

No. 22-35749

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AARON DALE EATON,

Plaintiff-Appellant,

v.

EYNON, Two Rivers Correctional Institution Grievance coordinator; ROSSI, Two Rivers Correctional Institution Grievance coordinator; STARK, Two Rivers Correctional Institution Physical Plant Manager; DARCY, Two Rivers Correctional Institution Physical Plant Asst. Manager; T. BLEWETT, Two Rivers Correctional Institution Superintendent; OREGON DEPARTMENT OF CORRECTIONS; MANEY, Two Rivers Correctional Institution Provider; CYNTHIA LECLOUX, Two Rivers Correctional Institution Provider; WILLIS, Two Rivers Correctional Institution Officer; LEMMON, Two Rivers Correctional Institution Officer; ROBINSON, Two Rivers Correctional Institution Lieutenant,

Defendants-Appellees.

APPELLEES' SUPPLEMENTAL EXCERPTS OF RECORD

Appeal from the United States District Court
for the District of Oregon

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APPELLEES' SUPPLEMENTAL EXCERPTS OF RECORD

Pursuant to Circuit Rule 30-1.7, appellee submits the following Appellees' Supplemental Excerpts of Record, as indexed below.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

Aaron Dale Eaton,
Plaintiff,

Case No. 2:20-CV-01251-SI

Honorable Judge Michael H Simon

Vs.

**Two Rivers Correctional Institution
Grievance coordinator Eynon, et. al.
IN THEIR INDIVIDUAL AND OFFICIAL
CAPACITIES AS APPROPRIAT,**

MOTION TO ADD EVIDENCE

DEFENDANTS.

COMES NOW, Aaron Dale Eaton , the plaintiff in the above-entitled action and moves this court for a motion adding to the court record, new evidence that was just received by the plaintiff, this new evidence will show this court that the plaintiff has suffered irreparable harms at the hands of the defendants. See attached exhibit, progress notes Dated 25th of May 2022 "...again in February 2022 which reveal some progression of the moderate, NOW SEVERE, airflow obstruction WITHOUT REVERSIBILITY..."(emphasis added)

This new evidence further shows this court that plaintiff has suffered harms that could have been avoided had the defendants took action.

WHEREFOR plaintiff asks this court to allow this evidence into this court's record.

Dated this 29th day of July , 2022.



AARON DALE EATON
14997682

**I, Aaron Dale Eaton, duly sworn, do declare to be true and the best of my belief and knowledge under penalty of perjury all of this motion; I am over the age of twenty-one (21) and have personal knowledge of the matters stated herein and are meant for evidence in court;
I have resided here at Snake River Corr. Inst.**

Oregon Department of Corrections

Progress Notes

DATE	TIME	PROB.#	
25MAY2022	12:20		Eaton, Aaron # 14997682
			Referring provider: Monica Mais, NP
			Sources of data: Chart reviewed, case discussed via telemed with provider
			<p>HPI: 45 yo M incarcerated since 2017 with unclear prior history of smoking who carries chart diagnosis of COPD/ asthma. He has not been hospitalized or managed in the infirmary previously with exacerbations. He does have limiting dyspnea at some level of exertion but does not report much in the way of cough. He has been monitored with spirometry being checked in December 2020 and again in February 2022 which reveal some progression of the moderate, now severe, airflow obstruction without reversibility. He previously was prescribed FDC (Wixela) but that was discontinued after a brief trial for unclear reasons earlier this year and so has been mostly managed with just albuterol MDI used PRN. He has made occasional presentations to the nurse's station in need of refill of his albuterol so it does seem he is willing to use inhaled therapies and perceives some benefit from them.</p> <p>Additional evaluations have included several CXR, most recently February 2022 which was read as having increased reticular markings in the bases. On my review I do not appreciate those findings.</p>
			Exam: 6'2", 240# No wheezing has been documented
			Assessment: 1. Moderately severe to severe obstructive lung disease; available information makes differentiating COPD from asthma from ACO difficult, and at this juncture not critical to his management.
			Recommendation:
			<ol style="list-style-type: none"> 1. Wixela 250/50 BID 2. Continue albuterol MDI PRN and track his usage/ refill frequency to get some sense if that changes with more regular use of FDC therapy. 3. Next step if response to above is incomplete would be to add LAMA. 4. Do not think additional testing is necessary but gathering additional historical details surrounding his respiratory symptoms and response to treatment should prove useful

Monica Mais NP

CERTIFICATE OF SERVICE

CASE NAME: Eaton v. Eynon et al

CASE NUMBER: (if known) 22-cv-01251-SL

COMES NOW, Harvey Doh Eaton, and certifies the following:

That I am incarcerated by the Oregon Department of Corrections at SRCT

That on the 29 day of July, 20 22, I personally placed in the Correctional Institution's mailing service A TRUE COPY of the following:

Motion To Add Evidence with Oregon Dept. of Corr. progress
notes as exhibit.

I placed the above in a securely enclosed, postage prepaid envelope, to the person(s) named at the places addressed below:

Harvey Doh Eaton
(Signature)

Print Name _____

S.I.D. No.: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

Aaron Dale Eaton,
Plaintiff,

Case No. 2:20-CV-01251-SI

Honorable Judge Michael H Simon

Vs.

**Two Rivers Correctional Institution
Grievance coordinator Eynon, et. al.
IN THEIR INDIVIDUAL AND OFFICIAL
CAPACITIES AS APPROPRIAT,**

MOTION

DEFENDANTS.

COMES NOW, Aaron Dale Eaton , the plaintiff in the above-entitled action and moves this court for a motion adding to the court record, new evidence that was just received by the plaintiff, this new evidence will show this court that the plaintiff has suffered irreparable harms at the hands of the defendants. (see declaration Aaron dale Eaton attached)

WHEREFOR plaintiff asks this court to allow this evidence into this court's record.

Dated this 22th day of June , 2022.



AARON DALE EATON
14997682

**I, Aaron Dale Eaton, duly sworn, do declare to be true and the best of my belief and knowledge under penalty of perjury all of this motion; I am over the age of twenty-one (21) and have personal knowledge of the matters stated herein and are meant for evidence in court;
I have resided here at Snake River Corr. Inst.**

CASE NAME: Eaton v. Eynen et al.

COMES NOW, Amy Doh Ester, and certifies the following:

Motion to allow sup evidentiary Declaration in support and True exhibits

(Signature) 

Print Name Henry Voh Kstan
S.I.D. No.: _____

DECLARATION
(ORCP Rule 1E)

I, Aaron Dale Eaton, do declare that:

by an agreement, my P.F.T's (Pulmonary Function Test) were looked at by a specialist, after review of both P.F.T's and the "Peak flow" tests, the specialist re-ordered my COPD-Asthma of Fluticasone/salm which is a steroid for lung damage. When the provider (Mavis) told me I was going back on both the steroid inhaler and my rescue inhaler I asked if the damage was "forever" she replied "yes," that's the impression I got". I then asked could the damage to my respiratory system been avoided she replied "probably if caught sooner."

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 16th day of June, 2022.

Aaron Dale Eaton
(Signature)

Print Name: Aaron Dale Eaton
S.I.D. No. _____

What are the possible side effects of Wixela™ Inhub™?

Wixela™ Inhub™ can cause serious side effects, including:

- **fungal infection in your mouth or throat (thrush).** Rinse your mouth with water **without swallowing** after using Wixela™ Inhub™ to reduce your chance of getting thrush.
- **pneumonia.** People with COPD have a higher chance of getting pneumonia. Wixela™ Inhub™ may increase the chance of getting pneumonia. Call your healthcare provider right away if you have any of the following symptoms:
 - increase in mucus (sputum) production
 - change in mucus color
 - fever
 - chills
 - increased cough
 - increased breathing problems
- **weakened immune system and increased chance of getting infections (immunosuppression)**
- **reduced adrenal function (adrenal insufficiency).** Adrenal insufficiency is a condition where the adrenal glands do not produce enough hormones. This can happen when you stop taking oral corticosteroid medicines (such as prednisone) and start taking a medicine containing Wixela™ Inhub™. During this transition period when your body is under stress such as from fever, trauma (such as a car accident), or worse COPD symptoms, adrenal insufficiency can get worse and may cause death. Symptoms of adrenal insufficiency include:
 - feeling tired
 - lack of energy
 - weakness
 - nausea and vomiting
 - low blood pressure (hypotension)
- **sudden breathing problems immediately after inhaling your medicine.** If you have sudden breathing problems immediately after using Wixela™ Inhub™ and call your healthcare provider right away.
- **serious allergic reactions.** Call your healthcare provider or get emergency medical care if you get any of the following symptoms:
 - rash
 - hives
 - swelling of your face, mouth, and tongue
 - breathing problems
- **effects on heart**
 - increased blood pressure
 - a fast or irregular heartbeat
 - chest pain
- **effects on nervous system**
 - tremor
 - nervousness
- **bone thinning or weakness (osteoporosis)**
- **slowed growth in children.** Your child's growth should be checked regularly by the healthcare provider while using Wixela™ Inhub™.
- **eye problems** including glaucoma, increased pressure in your eye, cataracts, or other changes in vision. You should have regular eye exams while using Wixela™ Inhub™.
- **changes in laboratory blood levels (sugar, potassium, certain types of white blood cells).**

Common side effects of Wixela™ Inhub™ include:

Asthma:

- upper respiratory tract infection
- throat irritation
- hoarseness and voice changes
- thrush in your mouth or throat. Rinse your mouth with water without swallowing after use to help prevent this
- bronchitis
- cough
- headache
- nausea and vomiting

In children with asthma, infections in the ear, nose, and throat are common.

COPD:

- thrush in your mouth or throat. Rinse your mouth with water without swallowing after use to help prevent this
- throat irritation
- hoarseness and voice changes
- viral respiratory infections
- headache
- muscle and bone pain

These are not all the possible side effects of Wixela™ Inhub™.

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Of Attorneys for Cynthia LeCloux

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

AARON DALE EATON,

Case No. 2:20-cv-01251-SI

Plaintiff,

v.

**DECLARATION OF CYNTHIA
LECLOUX IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

By Cynthia LeCloux

Two Rivers Correctional Institution
Grievance coordinator Eynon; Two Rivers
Correctional Institution Grievance
coordinator Rossi; Two Rivers Correctional
Institution Physical Plant Manager Stark;
Two Rivers Correctional Institution Physical
Plant Assist. Manager Darcy; Two Rivers
Correctional Institution Superintendent T.
Blewett; Two Rivers Correctional Institution
Provider Maney; Two Rivers Correctional
Institution Provider Cynthia Lecloux; Two
Rivers Correctional Institution Officer Willis;
Two Rivers Correctional Institution Officer
Lemmon; Two Rivers Correctional
Institution Lieutenant Robinson,

Defendants.

I, the undersigned, Cynthia LeCloux, F.N.P., do hereby declare under penalty of perjury
that the following is true and correct:

///

**DECLARATION OF CYNTHIA LECLOUX IN SUPPORT
OF DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT - Page 1**

KEATING JONES HUGHES P.C.
200 SW Market St., Suite 900
Portland, Oregon 97201-5730
(503) 222-9955

1. I make this declaration in support of Defendant Cynthia LeCloux's Motion for Summary Judgment.

2. I am a licensed Family Nurse Practitioner, and I was assigned to work at Two River Correctional Institute from August 25, 2020 to November 25, 2020, and again from January 11, 2021 to March 19, 2021.

3. During my time at Two Rivers Correctional Institute I provided plaintiff with medical care. I saw plaintiff on September 23, 2020, for his regularly scheduled Asthma/COPD visit. This exam was unremarkable, except for plaintiff's complaint that it was difficult to breathe. I had plaintiff perform a peak flow test; which, despite plaintiff's poor effort, showed improvement over his previous peak flow test. Peak flow is a simple measurement of how quickly you can blow air out of your lungs. It is often used to help diagnose and monitor asthma. I also checked his respiratory rate, pulse, blood pressure, and auscultated his lungs and all were within normal limits. The normal oxygen saturation level is above 94% and the plaintiff's level was 96-100%. Additionally, I continued the plaintiff on his Short-Acting Beta Agonist inhaler for his asthma and he was also taking an antihistamine medication.

4. At the September 23rd appointment, he had mentioned mold in the showers and that the showers were being "worked on." Typically, asthma/COPD follow-up is scheduled every four months but based solely on the plaintiff's report of difficulty breathing, despite an unremarkable exam, a four-week follow-up visit was scheduled for re-evaluation.

5. On October 25, 2020, I saw plaintiff for his follow up Asthma and COPD appointment. The plaintiff's exam was like the first exam and did not demonstrate any respiratory distress though the plaintiff again complained of having some difficulty breathing at times. Therefore, I ordered the plaintiff to undergo a Pulmonary Function Test. Pulmonary Function Tests (PFTs) are noninvasive tests that show how well the lungs are working. The tests measure lung volume, capacity, rates of flow, and gas exchange. I also ordered a trial of a Long-Acting Beta Agonist inhaler for the treatment of his asthma/COPD.

///

**DECLARATION OF CYNTHIA LECLoux IN SUPPORT
OF DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT - Page 2**

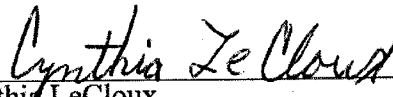
Doc No. 1803389

KEATING JONES HUGHES P.C.
200 SW Market St., Suite 900
Portland, Oregon 97201-5730
(503) 222-9955

6. My time working at TRCI was limited, and therefore my ability to follow plaintiff's course was hindered. However, in my opinion as a Family Nurse Practitioner, the care plaintiff received was appropriate.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 7 day of January, 2022.


Cynthia LeCloux

**DECLARATION OF CYNTHIA LECLoux IN SUPPORT
OF DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT - Page 3**

Doc No. 1803389

KEATING JONES HUGHES P.C.
200 SW Market St., Suite 900
Portland, Oregon 97201-5730
(503) 222-9955

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DECLARATION OF CYNTHIA LECLOUX IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** on the following:

Aaron Dale Eaton
Snake River Correctional Institution
Prisoner No. 14997682
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Of Attorneys for Two Rivers Correctional Institution Defendants

by electronically mailed notice from the court to above said attorneys on said day.

DATED this 24th day of January, 2022.

KEATING JONES HUGHES, P.C.

s/ Trent J. Andreasen

Trent J. Andreasen, OSB No. 195026
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Of Attorneys for Cynthia LeCloux

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Attorneys for Defendants Blewett, Darcy, Eynon, Lemmon, Maney, Robinson, Rossi, Stark, and Willis

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

AARON DALE EATON,

Plaintiff,

v.

Two Rivers Correctional Institution Grievance coordinator EYNON; Two Rivers Correctional Institution Grievance coordinator ROSSI; Two Rivers Correctional Institution Physical Plant Manager STARK; Two Rivers Correctional Institution Physical Plant Asst. Manager; DARCY; Two Rivers Correctional Institution Superintendent T. BLEWETT; Two Rivers Correctional Institution PROVIDER MANEY; in their individual or official capacities as applicable, Two Rivers Correctional Institution Provider CYNTHIA LECLOUX; Two Rivers Correctional Institution Officer WILLIS; Two Rivers Correctional Institution Officer LEMMON; Two Rivers Correctional Institution Lieutenant ROBINSON,

Defendants.

Case No. 2:20-cv-01251-SI

DECLARATION OF ARNELL EYNON IN
SUPPORT OF DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT TO
PLAINTIFF'S FOURTH AMENDED
COMPLAINT

I, Arnell Eynon, declare and say:

1. The Oregon Department of Corrections (ODOC) employs me as Grievance Coordinator at the Two Rivers Correctional Institution (TRCI) located in Umatilla, Oregon. I became the Grievance Coordinator on August 1, 2014. In that capacity, I am one of the custodians of the records of ODOC.

2. I make this declaration from a combination of personal knowledge and in reliance on the attached ODOC records, all of which are regularly maintained in the normal course of business.

3. Adult in custody (AIC) Aaron Eaton, SID #14997682, was admitted to the custody of ODOC on July 13, 2017, and was housed at TRCI from August 10, 2017, until July 1, 2021, when he was transferred to Snake River Correctional Institution (SRCI) in Ontario, Oregon. AIC Eaton has an earliest release date of August 25, 2027.¹

GRIEVANCE REVIEW SYSTEM

4. Grievances are processed in accordance with the Oregon Administrative Rules (Or. Admin. R.) governing *Grievance Review System (AIC)* found in Chapter 291, Division 109 (effective as of October 18, 2019).²

5. Adults in custody (AICs) are encouraged to communicate with line staff verbally or in writing as their primary means of resolving disputes prior to filing a grievance in order to handle questions and complaints at the lowest local level.³ However, if this does not bring resolution, the AIC may file a grievance if it complies with the Rules and there is no other

¹ See Attachment 1, Housing history.

² See Attachment 2, Or. Admin. R. § Chapter 291, Division 109, effective October 18, 2019.

³ See Attachment 2, p. 1, Or. Admin. R. § 291-109-0100.

review process available.⁴ Grievance forms are available on all housing units with grievance instructions.⁵

6. AICs cannot have more than four active complaints (grievances, discrimination complaints, or appeals of either) at any one time.⁶ Any grievance or appeal submitted that exceeds that limit will be found to be an improper use of the grievance review and discrimination complaint review systems and returned to the AIC with a statement of the rule.⁷

7. An AIC may file a single grievance concerning any incident or issue regarding institutional life that directly and personally affects that AIC, including but not limited to: a) the misapplication of departmental policies, rules, or other directives; b) unprofessional actions of employees, volunteers, or contractors; c) inadequate medical or mental health treatment; d) sexual abuse or sexual harassment; and e) excessive use of force by department employees.⁸

8. An AIC may file an appeal to any grievance response to the functional unit manager. To do this, the AIC completes a Grievance Appeal form which must be received by the grievance coordinator within 14 calendar days from the date the grievance response was sent to the AIC by the grievance coordinator.⁹

9. Additionally, an AIC may submit a final appeal in response to the initial appeal response received. By completing a Grievance Appeal form which must be received by the grievance coordinator within 14 days of the date that the initial grievance appeal response was sent to the AIC. The Assistant Director's or designee's decision on an AIC's final grievance appeal is final and is not subject to further review.¹⁰

⁴ See Attachment 2, p. 6, Or. Admin. R. § 291-109-0210(4)(d).

⁵ See Attachment 3, Grievance form (effective October 18, 2019).

⁶ See Attachment 2, p. 7, Or. Admin. R. § 291-109-0215(1).

⁷ See Attachment 2, p. 7, Or. Admin. R. § 291-109-0215(1).

⁸ See Attachment 2, pp. 5-6, Or. Admin. R. § 291-109-0210(3)(a)-(e).

⁹ See Attachment 2, pp. 10-11, Or. Admin. R. § 291-109-0230.

¹⁰ See Attachment 2, pp. 11-12, Or. Admin. R. § 291-109-0235.

10. I understand that AIC Eaton has alleged in his fourth amended complaint that Defendants Blewett, Darcy, Eynon, Lemmon, Maney, Robinson, Rossi, Stark, and Willis violated his First, Eighth, and Fourteenth Amendment rights by exposing him to “toxic black mold”, improperly denying his grievances about the mold, subjecting him to an unconstitutional grievance policy, and not giving him proper medical treatment for mold exposure. All of which are grievable according to Or. Admin. R. § 291-109. Below are the grievances submitted by AIC Eaton concerning the allegations in his fourth amended complaint.¹¹

Grievance No. TRCI.2020.03.148¹²

11. On March 23, 2020, the Grievance Coordinator’s Office received a grievance from AIC Eaton dated March 20, 2020. AIC Eaton alleged failure by unnamed medical and physical plant staff to address “toxic black mold”.¹³

12. On April 17, 2020, the Grievance Coordinator’s Office returned AIC Eaton’s grievance for non-compliance with ODOC grievance rules, explaining, “This grievance is denied as you have not met the requirements under 291-109-0210. You have not demonstrated misapplication of departmental policies, rules or other directives, unprofessional actions of department employees, volunteers, or contactors, inadequate medical or mental health treatment. Sexual abuse or sexual harassment or excessive use of force by department employees. Additionally, your grievance contains multiple issues – mold and medical treatment. 291-109-0210 (1) An AIC may only request review of one matter, action, or incident per grievance.”¹⁴

13. AIC Eaton resubmitted this grievance and on May 6, 2020, the Grievance Coordinator’s Office returned the grievance for correction and stated, “As previously noted, your

¹¹ See Attachment 4, Complaint History Log.

¹² See Attachment 5, Grievance No. TRCI.2020.03.148.

¹³ See Attachment 5, pp. 9-12.

¹⁴ See Attachment 5, p. 13.

grievance contains multiple issues – mold and medical treatment. If you are grieving the alleged mold as the primary issue you would like reviewed, please clearly state that in your resubmission and clearly specify that you are not also grieving lack of medical care in this grievance, as referenced on the bottom of your 3-page initial grievance (“medical to properly treat me.”) Additionally, aside from Officer Willis, have you informed any other staff of these concerns? If so, please specify who and when in your resubmission.” The Grievance Coordinator’s Office also informed AIC Eaton “Neither Physical Plant staff, nor medical staff, oversees the cleanliness of housing units. This is a task completed by Security staff. However, I have forwarded a copy of this complaint to Operations Captain Rumsey for review, as well as Mr. Stark, Physical Plant Manager, so they are both aware of these concerns.”¹⁵

14. On May 12, 2020, AIC Eaton resubmitted this grievance for the second time. The Grievance Coordinator’s Office accepted this resubmission on May 19, 2020.¹⁶

15. Physical Plant Manager Stark’s response to AIC Eaton’s grievance was dated June 10, 2020. Mr. Stark responded that upon his visual inspection of the Unit 2 showers there was nothing visible, “There was no visible discoloration or other notable characteristics, including visible texture or odor.” Mr. Stark discussed the efforts to maintain cleanliness and encouraged AIC Eaton to report any health issues to Health Services, “Cleaning products are regularly provided to each housing unit to ensure that the cleanliness of the showers, as well as the entire unit, is maintained. Additionally, during the current virus concerns of covid-19, effective April 14, 2020, bleach has been provided to all housing units as an additional cleaning agent. Housing unit staff have reported hearing no complaints for several months about the condition of the Unit 2 showers. As a reminder, anytime you experience an illness or injury, or have questions about your wellness, you are encouraged to contact Health Services. Routine care can be accessed through Communication Forms. Illnesses can be addressed through sick-

¹⁵ See Attachment 5, pp. 15-16.

¹⁶ See Attachment 5, pp. 9-11.

call signups. Acute health concerns can be addressed anytime by contacting a staff member for help.”¹⁷

16. On June 30, 2020, the Grievance Coordinator’s Office received AIC Eaton’s an initial appeal.¹⁸ On July 10, 2020, the Grievance Coordinator “returned for correction” AIC Eaton’s initial appeal for non-compliance with ODOC’s grievance rules, explaining “An AIC may not submit a grievance representing other AICs, or acts where an AIC is a spokesperson for other AICs (Group Grievance). Remove reference to other AICs.” The rule identifying how to resubmit a grievance was also given.¹⁹ AIC Eaton resubmitted the initial appeal which was received on July 16, 2020, and accepted on July 24, 2020.²⁰

17. Mr. Blewett, Superintendent, responded to AIC Eaton’s initial appeal in a letter dated September 25, 2020.²¹

18. On October 1, 2020, the Grievance Coordinator’s Office received a final appeal from AIC Eaton dated September 30, 2020. This final appeal was accepted on October 9, 2020.²²

19. Mr. Nooth, Eastside Institutions Administrator, responded to AIC Eaton’s final appeal in a letter dated October 26, 2020.²³ AIC Eaton completed the grievance review process for this grievance.

Grievance No. TRCI.2020.04.020²⁴

¹⁷ See Attachment 5, p. 8.

¹⁸ See Attachment 5, pp. 4-6.

¹⁹ See Attachment 5, p. 7.

²⁰ See Attachment 5, pp. 4-6.

²¹ See Attachment 5, p. 3.

²² See Attachment 5, p. 2.

²³ See Attachment 5, p. 1.

²⁴ See Attachment 6, Grievance No. TRCI.2020.04.020.

20. On April 3, 2020, the Grievance Coordinator's Office received AIC Eaton's grievance grieving Defendant Rossi for "failure to perform job duties" and denying due process for refusing to respond to AIC Eaton's communications.²⁵

21. On April 23, 2020, the Grievance Coordinator returned the grievance for non-compliance with grievance rules, explaining, "Your grievance has not demonstrated how it qualifies under 291-109-0210. You have not demonstrated misapplication of departmental policies, rules, or other directives, unprofessional actions of department employees, volunteers, or contractors, inadequate medical or mental health treatment, sexual abuse or sexual harassment or excessive use of force by department employees." AIC Eaton did not resubmit this grievance and did not complete the review process for this grievance.²⁶

Grievance No. TRCI.2020.04.186²⁷

22. On April 22, 2020, the Grievance Coordinator's Office received AIC Eaton's grievance which alleged that TRCI's Physical Plant had failed to protect him from mold in the showers in Unit 2. The Grievance coordinator denied the grievance on April 27, 2020.²⁸ On May 22, 2020, the Grievance Coordinator's Office returned the grievance to AIC Eaton for non-compliance with ODOC grievance rules, with a memo which explained, "An AIC cannot submit more than a combined total of four grievances and discrimination complaints per calendar month." The Grievance Coordinator also explained, "Your grievance has not demonstrated how it qualifies under 291-109-0210. You have not demonstrated misapplication of departmental policies, rules, or other directives, unprofessional actions of department employees, volunteers,

²⁵ See Attachment 6, p. 2.

²⁶ See Attachment 6, p. 1.

²⁷ See Attachment 7, Grievance No. TRCI.2020.04.186.

²⁸ See Attachment 7, pp. 11-12.

or contractors, inadequate medical or mental health treatment, sexual abuse or sexual harassment or excessive use of force by department employees.”²⁹

23. On May 29, 2020, AIC Eaton submitted an initial appeal.³⁰ The Grievance Coordinator denied the initial appeal, explaining in a memo dated June 11, 2020, “Grievance# TRCI-2020-04-186 was received on 4/22/20, and was the 5th grievance received in April 2020. Refer to: 291-109-0215(1) An AIC cannot have more than four active complaints (grievances, discrimination complaints, or appeals of either) at any time. Any grievance or appeal submitted that exceeds that limit will be found to be an improper use of the grievance review and discrimination complaint review systems and returned to the AIC with a statement of the rule. (2) An AIC cannot submit more than a combined total of four initial AIC grievances and discrimination complaints per calendar month.”³¹

24. On June 17, 2020, the Grievance Coordinator’s Office received a final appeal, dated June 15, 2020, from AIC Eaton.³² The Grievance Coordinator denied the final appeal on June 26, 2020. The Grievance Coordinator sent a memo dated July 1, 2020, to AIC Eaton which explained the denial of the final appeal, “The grievance rule does not permit a returned grievance or grievance appeal to be appealed. Therefore, this appeal is denied. Refer to previous communications sent to you.”³³

25. AIC Eaton failed to follow the rules of not exceeding the maximum number of grievances permitted per month. His grievance was denied pursuant to well-established grievance rules. AIC Eaton did not complete the grievance review process for this grievance.

²⁹ See Attachment 7, p. 10.

³⁰ See Attachment 7, pp. 6-9.

³¹ See Attachment 7, pp. 4-5.

³² See Attachment 7, pp. 2-3.

³³ See Attachment 7, p. 1.

Grievance No. TRCI.2020.05.036³⁴

26. On May 12, 2020, the Grievance Coordinator's Office received a grievance from AIC Eaton, dated May 10, 2020, grieving the "Director of ODOC" (Colette Peters) concerning "black mold" in the shower. On May 19, 2020, the Grievance Coordinator accepted AIC Eaton's grievance.³⁵

27. Physical Plant Manger Stark responded to AIC Eaton's grievance on June 10, 2020. Mr. Stark explained again, "Cleaning products are regularly provided to each housing unit to ensure that the cleanliness of the showers, as well as the entire unit, is maintained. Additionally, during the current virus concerns of covid-19, effective April 14, 2020, bleach has been provided to all housing units as an additional cleaning agent. Housing unit staff have reported hearing no complaints for several months about the condition of the Unit 2 showers. As a reminder, anytime you experience an illness or injury, or have questions about your wellness, you are encouraged to contact Health Services. Routine care can be accessed through Communication Forms. Illnesses can be addressed through sick-call signups. Acute health concerns can be addressed anytime by contacting a staff member for help."³⁶

28. On June 16, 2020, the Grievance Coordinator's Office received AIC Eaton's initial appeal dated June 13, 2020. The initial appeal was accepted on June 25, 2020.³⁷

29. Mr. Blewett, Superintendent, responded to AIC Eaton's initial appeal in a letter dated July 24, 2020.³⁸

³⁴ See Attachment 8, Grievance No. TRCI.2020.05.036.

³⁵ See Attachment 8, pp. 8-12.

³⁶ See Attachment 8, p. 7.

³⁷ See Attachment 8, pp. 5-6.

³⁸ See Attachment 8, p. 4.

30. On July 30, 2020, the Grievance Coordinator's Office received a final appeal from AIC Eaton of which page 1 was dated July 28, 2020, while page 2 was dated February 28, 2020, seemingly in error. This final appeal was accepted on August 7, 2020.³⁹

31. Mr. Nooth, Eastside Institutions Administrator, responded to AIC Eaton's final appeal in a letter dated August 26, 2020.⁴⁰ AIC Eaton completed the grievance review process for this grievance.

Grievance No. TRCI.2020.05.077⁴¹

32. On May 12, 2020, the Grievance Coordinator's Office received a grievance from AIC Eaton, dated May 8, 2020, grieving AIC Eaton's "Medical Provider" stating that he had "been complaining of respiratory issues to Medical, The Medical dept. Provider prescribed me "Albuterol" upon further study I've found that my respiratory issues could be sinusitis as my complaints to medical include complaints of pain, coughing, wheezing and respiratory allergy type symptoms. Medical has failed to treat, and or test me, while advising me to purchase "Loratadine". The exhibits AIC Eaton sent with this grievance reference his assertion that black mold was found in the Unit 2 showers.⁴² On May 19, 2020, the Grievance Coordinator returned AIC Eaton's grievance for correction. A memo dated June 2, 2020, explained that the grievance was being returned due to non-compliance with the DOC grievance rules, "A grievance must include a complete description of the incident or issue being grieved, including date and time of the incident or issue being grieved, and the specific individual responsible for the incident or issue. Clearly state what occurred on you listed incident."⁴³

³⁹ See Attachment 8, pp. 2-3.

⁴⁰ See Attachment 8, p. 1.

⁴¹ See Attachment 9, Grievance No. TRCI.2020.05.077.

⁴² See Attachment 9, pp. 8-11, 13-17.

⁴³ See Attachment 9, p. 12.

33. Health Services RN Faulstich's response to AIC Eaton's grievance was dated June 24, 2020. RN Faulstich responded, "I have read the above referenced grievance, and thoroughly reviewed your Medical Record. Documentation shows your long history of asthma and COPD, with corresponding and successful treatments. You have not presented any additional symptoms that would indicate other than exacerbation of either condition. The treatments prescribed to you; albuterol and Zyrtec (in place of Loratidine not available from canteen at present) were prescribed by consult with the Provider. Providers are attempting to see patients as the current health restrictions/precautions will allow, but are essentially still limited to urgent/emergent conditions beyond trying to see those who had to be cancelled previously. Nurses are capable of assessing very effectively and consulting with Providers to assure needs are met. I find you have been seen, assessed and treated appropriately as indicated, the Provider will see you as indicated."⁴⁴

34. On July 6, 2020, the Grievance Coordinator's Office received AIC Eaton's an initial appeal. On July 15, 2020, the Grievance Coordinator accepted the initial appeal.⁴⁵

35. Deputy Medical Director Dr. Roberts responded to AIC Eaton's initial appeal in a letter dated September 30, 2020. In Dr. Roberts' response he stated, "Documentation confirms you are being seen and treated appropriately for the symptoms you have referred to in your grievance appeal."⁴⁶

36. On October 12, 2020, the Grievance Coordinator's Office received a final appeal from AIC Eaton dated October 9, 2020. This final appeal was accepted on October 22, 2020.⁴⁷

37. Assistant Director of Health Services Mr. Bugher responded to AIC Eaton's final appeal in a letter dated February 8, 2021. In his response, Mr. Bugher stated, "You have been

⁴⁴ See Attachment 9, p. 7.

⁴⁵ See Attachment 9, pp. 4-6.

⁴⁶ See Attachment 9, p. 3.

⁴⁷ See Attachment 9, p. 2.

evaluated appropriately by qualified Medical personnel and given treatment according to Community Standards and Practices. You have been evaluated by Nurses at Sick Call, who consulted with the Provider. You have been prescribed an Albuterol inhaler, and an additional inhaler, Wixela, as well as received a dose pack of Prednisolone. Documentation confirms you have been, and continue being, seen and treated appropriately for the symptoms you have referred to in your grievance.”⁴⁸ AIC Eaton completed the grievance review process for this grievance.

CONCLUSION

38. AIC Eaton did not exhaust any grievances concerning Defendants Rossi, Darcy, or Eynon having to do with the allegations in the fourth amended complaint. Nor did any of these Defendants respond to any of the grievances listed above that AIC Eaton did submit.

39. AIC Eaton did not specifically mention or grieve Defendants Darcy, Eynon, Lemmon, Maney, Robinson, or Willis for any allegations in his fourth amended complaint. Nor did any of these Defendants respond to any of the above grievances which concern the allegations in his fourth amended complaint.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on November 22, 2021.


ARNELL EYNON

⁴⁸ See Attachment 9, p. 1.

CERTIFICATE OF SERVICE

I certify that on December 9, 2021, I served the foregoing DECLARATION OF ARNELL EYNON IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT TO PLAINTIFF'S FOURTH AMENDED COMPLAINT upon the parties hereto by the method indicated below, and addressed to the following:

Aaron Dale Eaton
SID #14997682
Snake River Correctional Institution
777 Stanton Blvd.
Ontario, OR 97914
Plaintiff Pro Se

☐ HAND DELIVERY
☐ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☐ E-MAIL
☒ **E-SERVED PURSUANT TO
SRCI STANDING ORDER NO. 2019-12**

Scott G O'Donnell
Trent Andreasen
Keating Jones Hughes PC
200 SW Market St. Suite 900
Portland, OR 97201
Attorney for Defendant Lecloux

☐ HAND DELIVERY
☐ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☐ E-MAIL
☒ **E-SERVED**

s/ Vanessa A. Nordyke
VANESSA A. NORDYKE #084339
Senior Assistant Attorney General
Trial Attorney
Tel (503) 947-4700
Fax (503) 947-4792
Vanessa.A.Nordyke@doj.state.or.us
Of Attorneys for Defendants Blewett, Darcy,
Eynon, Maney, Rossi, Stark and Oregon
Department of Corrections



Oregon

Kate Brown, Governor

Department of Corrections

Operations Division
2575 Center Street NE
Salem, OR 97301-4667
Voice: 503-945-0950
Fax: 503-945-7178



October 26, 2020

AIC Eaton, Aaron, SID #14997682
Two Rivers Correctional Institution
82911 Beach Access Rd
Umatilla, OR 97882

Dear Mr. Eaton,

This letter is in response to your second-level Grievance Appeal, #TRCI-2020-03-148AA, in which you claim Mr. Stark agreed with your assessment of black mold present on Unit 02.

I have reviewed your appeal, and I concur with the response you received from Assistant Superintendent Jackson on behalf of Superintendent Blewett. You have not provided any additional information in this appeal that would warrant a response other than that which you have already received.

Thank you for addressing your concerns appropriately. This concludes the grievance review process for this matter.

Sincerely,

Mark Nooth
Eastside Institutions Administrator

cc: M. Gower, Asst. Director of Operations
T. Blewett, Acting TRCI Superintendent
TRCI Grievance Coordinator
File

SENT

NOV 02 2020

TRCI GRIEVANCE OFFICE

RECEIVED

NOV 02 2020

TRCI GRIEVANCE OFFICE



Grievance # TRCI-2020-03-148AA ~~148AA~~ ~~148AA~~ ~~148AA~~
Official Use Only Resubmit ~~148AA~~

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-1A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

So when Mr. Sterk came to unit 2 before they started ripping all the tiles out of our showers and we talked, your saying, he was outside of his job/office when he clearly stated "yes that is mold"?

Does not matter because I took samples of the mold and I have sent it out, Those samples are going to be tested for Mold Toxicity and Type.

The Showers being replaced now does not make my injuries go away I've suffered actual assault and battery at the hands of Mr. Blumett and His staff here at TRCI.

The act of not removing a known Health Hazard is negligent on behalf of TRCI personnel. at a minimum if not deliberate with indifference to my Health and Safety as well as my wellbeing.

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

Do what you ask us to do admit, and correct the issue

9-30-20
DateAaron Dale Eaton
Signature

Receiving Facility (If not processing facility)	Received at Processing Facility	Accepted/Denied/RFC	Accepted/Denied/RFC
	RECEIVED OCT 01 2020 TRCI GRIEVANCE OFFICE	ACCEPTED OCT 09 2020 TRCI GRIEVANCE OFFICE	
Date Stamp	Date Stamp	Date Stamp	Date Stamp

For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)



Oregon

Kate Brown, Governor

Oregon Department of Corrections
Two Rivers Correctional Institution
82911 Beach Access Rd.
Umatilla, OR 97882
Voice: 541-922-2001



September 25, 2020

Aaron Eaton, SID #14997682
Two Rivers Correctional Institution
82911 Beach Access Rd.
Umatilla, OR 97882

Dear Mr. Eaton,

This letter is in response to your Initial Grievance Appeal, #TRCI-2020-03-148A, in which you do not agree with Mr. Stark's statements in regards to black mold in the unit 2 showers.

I have reviewed your appeal, as well as all prior documentation relating to this grievance. Lt. Robinson stated that he never made a comment nor agreed that the showers had "black mold" as he is not a subject matter specialist. Additionally, the removal of the shower tile is not directed by me in regards to this complaint and has been a long term plan for approximately 2 years to address poor house keeping practices by AICs. Mr. Stark's response to your complaint is accurate and he also stated he spoke with you in person on the unit and you shared some of your concerns. Mr. Stark said the conversation was productive and you understood the showers would be replaced in a short amount of time. Any future health concerns, for any reason or cause, should be addressed through TRCI's medical unit.

Thank you for addressing your concerns appropriately.

Sincerely,

Tyler Blewett, Superintendent
Two Rivers Correctional Institution

cc: TRCI Grievance Coordinator

RECEIVED

SEP 28 2020

TRCI GRIEVANCE OFFICE

SENT

SEP 28 2020

TRCI GRIEVANCE OFFICE

1 of 3

Grievance # TRCI-2020-03-1484

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

First of all I see that the response was sent to me on Jun 11th yet I did not receive it till June 20th that is 9 days to travel 1500 ft. Wow hindering, chilling, obstructions at TRCI finest.

I disagree with physical plant manager J stark because:

(1). He is not qualified by the state to make expert opinion as to the allegations of Toxic Black Mold in our showers on unit 2.

(2). ~~Adults in custody~~ I have believed physical plant manager J stark assessment of the showers on unit 2 and cleaned them with out any kind of protected gear and have ended up very sick with respiratory issues and ^{was} given by TRCI medical staff for Toxic Black mold Exposure and ^{was} placed on

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

RECEIVED

JUL 16 2020

6-24-20

Date

TRCI GRIEVANCE OFFICE

Aaron D Eaton

Signature

Receiving Facility
(If not processing facility)

Date Stamp

Received at Processing Facility

RECEIVED

JUN 30 2020

TRCI GRIEVANCE OFFICE

Date Stamp

Accepted/Denied/RFC

Returned For Correction

JUL 08 2020

TRCI GRIEVANCE OFFICE

Date Stamp

ACCEPTED

JUL 24 2020

TRCI GRIEVANCE OFFICE

Date Stamp

For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)

2 of 3

Grievance # TRCI-2020-03-148A

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

emergency inhalers and immune system boosters By TRCI Providers.

(3). L.T Robinson came to the unit (2) sent by Sup. T. Blewett and verified the absolute presence of black mold and Sup T. Blewett is addressing this issue personally by ordering all TRCI showers to have the moldy tiles removed in the future. Said L.T Robinson on 5-31-20 @ Dinner time to me.

(4). Samples had been taken and sent out for evaluation by a state certified Hazardous Material Expert and we are awaiting the results.

(5) Physical Plant Manager Starks acted with deliberate indifference to my needs to be free from all Hazardous toxic Black Molds and

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

RECEIVED JUL 16 2020		Signature <u>Aaron D Eaton</u>	
Date <u>6-24-20</u>	TRCI GRIEVANCE OFFICE		
Receiving Facility (If not processing facility) ACCEPTED JUL 24 2020 TRCI GRIEVANCE OFFICE Date Stamp	Received at Processing Facility RECEIVED JUN 30 2020 TRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC DENIED JUL 08 2020 TRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC Returned For Correction JUL 08 2020 TRCI GRIEVANCE OFFICE Date Stamp

For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Final receipt after processed)

CD 117C (10/2019)

3 of 3

Grievance # TRCI-2020-03-148A Resubmit
Official Use Only

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

Provided safe and sanitary living conditions resulting in actual injury to my lungs and he has allowed this toxic mold to compromise my immune system during this Covid 19 pandemic exposing me to a possible life threatening flu because staff members keep bringing Covid 19 into the institution with no regard for my health and safety. The mold increases my chances of getting Covid-19. (6) Physical Plant Manager J. Stark acted with deliberate indifference to my needs to be housed under safe living conditions having changed my sentence from having to serve time to a sentence of death.

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

Obey the laws you are sworn to uphold. Replace all showers and keep my conditions of confinement safe. Or transfer me to a safe institution of my choosing.

Date <u>6-24-20</u>	RECEIVED JUL 16 2020 Signature <u>Aaron D Eaton</u>	TRCI GRIEVANCE OFFICE	
Receiving Facility (If not processing facility)	Received at Processing Facility RECEIVED JUN 30 2020 TRCI GRIEVANCE OFFICE	Accepted/Denied/RFC Returned For Correction JUL 08 2020 TRCI GRIEVANCE OFFICE	Accepted/Denied/RFC ACCEPTED JUL 24 2020 TRCI GRIEVANCE OFFICE
Date Stamp	Date Stamp	Date Stamp	Date Stamp

For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)



Oregon Department of Corrections (ODOC)

Two Rivers Correctional Institution

Initial Appeal - Returned for Correction(s)

To: Eaton, Aaron Dale SID #: 14997682 Cell: TRCI:02-07A
From: Rossi, H For A. Eynon, Date: 07/10/2020
TRCI Grievance Coordinator
Re: Non-Medical# TRCI_2020_03_148 A

The initial grievance appeal you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

An AIC may not submit a grievance representing other AICs, or acts where an AIC is a spokesperson for other AICs (Group Grievance).

Remove reference to other AIC's.

291-109-0225 Grievance and Appeals General Processing Standards

(2) Grievances and grievance appeals returned for correction:

(a) An AIC may elect to resubmit a grievance or grievance appeal that has been returned for correction to the AIC because it does not comply with these rules.

(b) The grievance or grievance appeal may only be resubmitted twice and must be received by the institution grievance coordinator within 14 calendar days from when the grievance or grievance appeal was originally returned to the AIC.

(c) If rewritten, the return receipt and original grievance or grievance appeal must also be attached.

If you have any questions regarding your initial grievance appeal, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance Coordinator.

SENT

JUL 10 2020

TRCI GRIEVANCE OFFICE

Page 1 of 1

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GRIEVANCE RESPONSE FORM

TO BE FILLED OUT BY STAFF

Grievance #: TRCI-2020-03-148

TO: Eaton, Aaron 14997682
Name of grievant SID #

FROM: J. Stark Physical Plant Manager
Name of respondent Title

List, in detail, action(s) taken. (What action was taken? Was the action what the AIC requested? If not, why? Who took the action? When was the action taken – date/time?)

This is in response to your grievance #TRCI-2020-03-148:

Your allegation has been reviewed concerning possible "toxic black mold" in the showers of housing unit 2. Upon my recent visual inspection of the Unit 2 showers, nothing visible was seen concerning this allegation. There was no visible discoloration or other notable characteristics, including visible texture or odor. The condition of the Unit 2 showers appear to be maintained in an ordinary fashion. The flat tile surface and the grout in between tiles did not appear to be discolored or dirty but had ordinary amounts of soap scum / hard water stains. The yellowing of the grout lines on the bottom 18" or so of the walls appears to be standard soap scum. The walls are filled with a white grout and the floors are filled with a dark tan grout. The floor grout, when wet, appears even darker than it really is due to moisture absorption but none of this could be construed as mold. I did not visually see or otherwise note anything that would appear to present a health risk. Cleaning products are regularly provided to each housing unit to ensure that the cleanliness of the showers, as well as the entire unit, is maintained. Additionally, during the current virus concerns of covid-19, effective April 14, 2020, bleach has been provided to all housing units as an additional cleaning agent. Housing unit staff have reported hearing no complaints for several months about the condition of the Unit 2 showers. As a reminder, anytime you experience an illness or injury, or have questions about your wellness, you are encouraged to contact Health Services. Routine care can be accessed through Communication Forms. Illnesses can be addressed through sick-call signups. Acute health concerns can be addressed anytime by contacting a staff member for help.

Do not type past this line

6/10/2020

Date:

Signature of Staff Member

Signature of Supervisor (Print/Sign)

<p>Receiving Facility (if not processing facility)</p> <p>Date Stamp</p>	<p>Received at Processing Facility</p> <p>RECEIVED</p> <p>JUN 10 2020</p> <p>TRCI GRIEVANCE OFFICE</p> <p>Date Stamp</p>	<p>Sent to AIC</p> <p>SENT</p> <p>JUN 11 2020</p> <p>TRCI GRIEVANCE OFFICE</p> <p>Date Stamp</p>
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Distribution:
White (Original grievance response form)

CD117B (10/19)

Grievance # TRCI-2020-03-148
 Official Use Only Resubmit

GRIEVANCE FORM

Name: Eaton Aaron D 14997682 2-7-A
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: Physical Plant / Medical

Please provide the date/time of incident giving rise to grievance: 2-24-20 Through 3-20-20 ongoing

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

Attention: Please safeguard me from retaliation from this officer directly or indirectly following this Protected Activity. This Grievance is Directed to any person unknown to me who participated in the decision, policy, custom or practice that resulted in the injury, deliberate indifference to my health and safety and pursuant to OAR 291-109-0210 (3) A.I.C Eaton has been directly and personally affected by Physical plants lack of action and or Physical plants action, including but not limited to OAR 291-109-0210 (3) (a) (b) On or about 2-24-20 I was Experiencing respiratory issues I was seen at sickcall, then within a few days on or about 2-28-20 Toxic Black Mold was discovered in most of the unit showers on or about 2-28-20 % Willis DID HIS DUTY calling for the Bio-hazard orderly A.I.C Bessley to come clean and to

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Have Physical Plant come inspect thoroughly the entire unit for Toxic Black Mold

~~Medical & properly treat me.~~

RECEIVED
 3-20-20 MAY 12 2020
 Date

ACCEPTED
 MAY 19 2020
 Signature

Aaron Eaton

TRCI GRIEVANCE OFFICE

Receiving Facility
 (If not processing facility)
RECEIVED
APR 22 2020
 TRCI GRIEVANCE OFFICE
 Date Stamp

TRCI GRIEVANCE OFFICE

Received at Processing Facility
RECEIVED
MAR 23 2020
 TRCI GRIEVANCE OFFICE
 Date Stamp

TRCI GRIEVANCE OFFICE

Accepted/Denied/RFC
DENIED
MAR 26 2020
 TRCI GRIEVANCE OFFICE
 Date Stamp

Accepted/Denied/RFC
Returned For Correction
MAY 01 2020
 TRCI GRIEVANCE OFFICE
 Date Stamp

For grievance information see back page. Distribution: White (Original grievance form); Canary (Inmate receipt after processed)

CD 117 (10/2019)

1 of 3

cc: [illegible]

Grievance # TRCI-2020-03-140

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Eaton Aaron 0 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: Physical Plant / Medical

Please provide the date/time of incident giving rise to grievance: 2-24-20 through 3-20-20 ongoing.

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

decontaminate all of the unit 2 showers. Around this time period I was prescribed "Albuteral" and told my Respiratory issues is asthma. After further investigation on 3-19-20 I discovered that Toxic Black Mold will cause Respiratory infection called sinusitis which has the same symptoms as asthma. Sinusitis is a FUNGAL infection. Physical plant was emailed about the Toxic Black Mold and would not send personnel to see they just stated "There is no Black Mold on the units." The only contact with Toxic Black Mold has been from housing unit 2 showers. Toxic Black Mold Fungi feeds on dead organic matter i.e. skin and has a devastating effect on the Immune system and central nerve system. Experience has shown that when staff willfully and overtly disregard rules, policies, health conditions of CDC and

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Have Physical Plant come inspect Thoroughly the entire unit for Toxic Black Mold.

~~Harvest the property from the~~

3-20-20
Date

RECEIVED
MAY 12 2020

ACCEPTED
MAY 19 2020

Aaron Eaton
Signature

Receiving Facility
(If not processing facility)
RECEIVED
APR 22 2020
TRCI GRIEVANCE OFFICE
Date Stamp

TRCI GRIEVANCE OFFICE
RECEIVED
MAR 23 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
DENIED
MAR 26 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Returned For Correction
MAY 01 2020
TRCI GRIEVANCE OFFICE
Date Stamp

For grievance information see back page. Distribution: White (Original grievance form); Canary (Inmate receipt after processed)

CD 117 (10/2019)

2 of 3

Grievance # TRCI-2020-03-148

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Eaton Aaron D 14997682 2-2-A
Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: Physical Plant / Medical

Please provide the date/time of incident giving rise to grievance: 2-27-20 through 3-20-20 ongoing

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

begin to get on their own as rogue staff/officers or a Superior officer fails to correct these actions, when made aware of such actions validating and condoning such actions - These staff and officers directly challenge the authority of the Dept., incite other staff or officers to disregard the rules, customs, policies and health conditions These individuals create an adversarial, hostile living environment thereby posing a direct threat to the safety and security of others, and the orderly operations of this institution. Please be aware that rejecting my Grievance for some O.D.C. policy and choosing not to decide the grievance on the merits brought forth, ODOC will be barred from the defence of allegings, I failed to exhaust, should ODOC through any course of subsequent action seek dismissal, of Lawsuit. Pozo vs McCaughtry, 286 F3d 1023, 1025 (7th Cir) cert denied 537 U.S 949 (2002)

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Have Physical Plant come inspect Throughe the entire unit for Toxic Blotch Mold. An Apology letter from Stark about not doing ~~Mediact to properly treat me.~~ his job in a timely way

3-20-20
Date

RECEIVED
MAY 12 2020

ACCEPTED Aaron Eaton
MAY 19 2020 Signature

Receiving Facility
(If not processing facility)
RECEIVED
APR 22 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Receiving Facility
TRCI GRIEVANCE OFFICE
RECEIVED
MAR 23 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
TRCI GRIEVANCE OFFICE
DENIED
MAR 26 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Returned For Correction
MAY 01 2020
TRCI GRIEVANCE OFFICE
Date Stamp

For grievance information see back page. Distribution: White (Original grievance form); Canary (Inmate receipt after processed)

CD 117 (10/2019)

3 of 3 C.C. Inmate

OREGON DEPARTMENT OF CORRECTIONS
INMATE COMMUNICATION FORM

TO: Eynon Date: 5-8-2

State your issue in detail: I have fixed this by scratching out the
reference about Medical The Mold is the
Issue for this Grievance.

I wrote lots of people concerning the Mold
in the showers yet we are only allowed
5 attachments so I'm placing a ONE of them
to show I tried and continue to try.

Physical plant came and took pics of the showers
But this is too late as Y Willis had them cleaned
with bleach and so the Grievance stands. As I've been
exposed to Toxic Black mold by ODEC.

Inmate Committed Name (first middle last)	SID#	Housing Unit
<u>Aaron Dale Eaton</u>	<u>14997682</u>	<u>2</u>

Response/Action Taken: _____

Date Received: _____ Referred To*: _____

Date Answered: _____ Signature of Staff Member: _____

*If forwarded, please notify the inmate

CD 214 (12/04)



Oregon Department of Corrections (ODOC)
Two Rivers Correctional Institution
Grievance - Denied

To: Eaton, Aaron Dale SID #: 14997682 Cell: TRCI:02-07A
From: Rossi, H For A. Eynon, Date: 04/14/2020
TRCI Grievance Coordinator
Re: Non-Medical# TRCI_2020_03_148

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

This grievance is denied as you have not met the requirements under 291-109-0210. You have not demonstrated misapplication of departmental policies, rules or other directives, unprofessional actions of department employees, volunteers, or contractors, inadequate medical or mental health treatment, sexual abuse or sexual harassment or excessive use of force by department employees.

Additionally, your grievance contains multiple issues – mold and medical treatment. 291-109-0210 (1) An AIC may only request review of one matter, action, or incident per grievance.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance/Discrimination Complaint Coordinator.

SENT

APR 17 2020

TRCI GRIEVANCE OFFICE

Page 1 of 1

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EXHIBIT

OREGON DEPARTMENT OF CORRECTIONS

INMATE COMMUNICATION FORM

TO: OPPS. Captian Date: 4-18-20

State your issue in detail: I Trized to kyte physical plant
with No response and I tried Health
Services Their response was to kyte physical
plant So he is my issue

There is Mold in the Showers and
it causes myself and my celly to loose our
breath in the Showers. could you please
direct physical plant or Hazmat orderly to
clean our showers please.

Thank ya

Inmate Committed Name (first middle last)

Aaron Dale Eaton

SID#

14997682

Housing Unit

2

Response/Action Taken:

This is a unit orderly issue & there is
now bleach on the units to be used in
the Showers.

I will also add you need to point it out
to staff on the unit

Date Received:

Referred To*:

Date Answered:

4/22/2020

Signature of Staff Member:

Capt Ramsey

*If forwarded, please notify the inmate

CD 214 (12/04)



Oregon Department of Corrections (ODOC)
Two Rivers Correctional Institution
Grievance - Returned for Correction(s)

To: Eaton, Aaron Dale
From: Eynon, A

SID #: 14997682
Date: 05/05/2020

Cell: TRCI:02-07A

Re: Non-Medical# TRCI_2020_03_148

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

I am again returning your grievance to you. I have changed the status of your initial grievance from denied, to returned for correction. You may make noted corrections and resubmit to me for further review. Please ensure your corrected resubmission is received in the TRCI Grievance Office no later than May 19, 2020. However, the attached 1st appeal, dated 4/20/20 by you, is denied at this time. Please note that a grievance cannot be appealed until it has been accepted and responded to. Refer to OAR 291-109-0230.

dave fixed { As previously noted, your grievance contains multiple issues – mold and medical treatment. If you are grieving the alleged mold as the primary issue you would like reviewed, please clearly state that in your resubmission and clearly specify that you are not also grieving lack of medical care in this grievance, as referenced on the bottom of your 3-page initial grievance ("medical to properly treat me.") Additionally, aside from Officer Willis, have you informed any other staff of these concerns? If so, please specify who and when in your resubmission. } *mold is issue*

Neither Physical Plant staff, nor medical staff, oversees the cleanliness of housing units. This is a task completed by Security staff. However, I have forwarded a copy of this complaint to Operations Captain Rumsey for review, as well as Mr. Stark, Physical Plant Manager, so they are both aware of these concerns.

291-109-0210 (1) An AIC may only request review of one matter, action, or incident per grievance.

291-109-0220 (4) A grievance must include a complete description of the incident or issue being grieved, including date and time of the incident or issue being grieved, and the specific individual responsible for the incident or issue.

291-109-0230 (1) An AIC may appeal the initial grievance response using the grievance appeal form.

(a) The appeal must include the original grievance, attachments, and staff response(s).

291-109-0225 Grievance and Appeals General Processing Standards

(2) Grievances and grievance appeals returned for correction:

(a) An AIC may elect to resubmit a grievance or grievance appeal that has been returned for correction to the AIC because it does not comply with these rules.

Page 1 of 2

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SENT
MAY 06 2020
TRCI GRIEVANCE OFFICE



Oregon Department of Corrections (ODOC)
Two Rivers Correctional Institution
Grievance - Returned for Correction(s)

To: Eaton, Aaron Dale
From: Eynon, A

SID #: 14997682
Date: 05/05/2020

Cell: TRCI:02-07A

Re: Non-Medical# TRCI_2020_03_148

(b) The grievance or grievance appeal may only be resubmitted twice and must be received by the institution grievance coordinator within 14 calendar days from when the grievance or grievance appeal was originally returned to the AIC.

(c) If rewritten, the return receipt and original grievance or grievance appeal must also be attached.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance Coordinator.

SENT
MAY 06 2020
TRCI GRIEVANCE OFFICE

Page 2 of 2

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OREGON DEPARTMENT OF CORRECTIONS
INMATE COMMUNICATION FORM

TO: Grievance Card Date: 7-13-20

State your issue in detail:

I took out well crossed out the "Adults in
Custody" and the "were" changing ~~to~~ The ref.
to others sorry about that.

Inmate Committed Name (first middle last)	SID#	Housing Unit

Response/Action Taken: _____

Date Received: _____ Referred To*: _____

Date Answered: _____ Signature of Staff Member: _____
*If forwarded, please notify the inmate

CD 214 (12/04)



Oregon Department of Corrections (ODOC)
Two Rivers Correctional Institution
Grievance - Denied

To: Eaton, Aaron Dale
From: Rossi, H. **For A. Eynon,**
TRCI Grievance Coordinator
Re: Non-Medical# TRCI_2020_04_020

SID #: 14997682
Date: 04/22/2020

Cell: TRCI:02-07A

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

Your grievance has not demonstrated how it qualifies under 291-109-0210. You have not demonstrated misapplication of departmental policies, rules, or other directives, unprofessional actions of department employees, volunteers, or contractors, inadequate medical or mental health treatment, sexual abuse or sexual harassment or excessive use of force by department employees.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance/Discrimination Complaint Coordinator.

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APR 23 2020

TRCI GRIEVANCE OFFICE

Page 1 of 1

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Page: ____ of ____ (3 page limit)

Grievance # TRCF-2020-04-020
 Official Use Only Resubmit

GRIEVANCE FORM

Name: Eaton Aaron D 14997682 2-7-A
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: Rossi H

Please provide the date/time of incident giving rise to grievance: 4-2-20

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

I'm Grieving Staff member Rossi H for failure to
perform job duties correctly, the misapplication of
dept policies rules directive goes as follows: staff
member Rossi blatantly denies due process with
blanket excuses when clearly they are made up
because my communications are not answered
within O.D.O.C policies and directives
Rossi need to answer CP214 form that are sent
to him, within 14 days.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Rossi H to not be allowed to answer any form
of my communications without Capt. Runsey's over
view.

4-2-20
 Date

Aaron Eaton
 Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility RECEIVED APR 03 2020 TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC DENIED APR 08 2020 TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Date Stamp



Oregon Department of Corrections (ODOC)
Two Rivers Correctional Institution
Final Appeal - Denied

To: Eaton, Aaron Dale
From: Rossi, H For A. Eynon,
TRCI Grievance Coordinator
Re: Non-Medical# TRCI_2020_04_186 AA

SID #: 14997682

Date: 07/01/2020

Cell: TRCI:02-07A

The final grievance appeal you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

The grievance rule does not permit a returned grievance or grievance appeal to be appealed. Therefore, this appeal is denied. Refer to previous communications sent to you.

If you have any questions regarding your final grievance appeal, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance Coordinator.

SENT

JUL 02 2020

TRCI GRIEVANCE OFFICE

Page 1 of 1

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1 of 2

Grievance # TRCI-2020-04-186AA

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

As to your first reason, I only have 2 or 3 "Active" Grievances so prove me more, for a denied Grievance is not considered "active". As far the second OAR 291-109-0225(4) I never withdrawn this Grievance therefore does not apply. As to your response OAR 291-109-0210(4) How is mold in a Doc showe not in the jurisdiction of Doc? Reason '4' Mask am I to wear a mask in the shower to prevent mold exposure? Now the last physical plant manager stark was incorrect and knows it because L.T. Robinson came and took pics of the Mold so Stark's vision, his ability to perform Job duties is in need. And if there is no issue then why is L.T Robinson telling me that all showers in TRCI are having the tile removed due to mold issues? Now there is the letter from J. Blewett stating that

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

6-15-20
Date

Aaron Eaton
Signature

Receiving Facility (If not processing facility) Date Stamp	Received at Processing Facility RECEIVED JUN 17 2020 TRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC DENIED JUN 26 2020 TRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC Date Stamp
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For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)

2 of 2

Grievance # TRCI-2020-04-186AA
Official Use Only Resubmit

GRIEVANCE APPEAL FORM

Name: Aaron Eaton D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

TRCI will be moving forward in holding a higher standard of cleanliness. let me state clearly ORS 421.105(2)(A)IC; are "under the protection of the Law; ORS 423.020(1)(d) the dept. shall provide adequate health... Sanitation for all of the prisoners; ORS 423.075(5)(d) The dept. shall provide for the safety of all prisoners.

The Law requires you to protect me from all harmful things including but not limited to "Mold"

I re-allege and incorporate my original Grievance as fully set forth herein.

I re-allege and incorporate my Grievance appeal as fully set forth herein.

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

properly clean the mold out of the showers and protect me as the Law requires.

6-15-20
DateAaron Eaton
Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED JUN 17 2020
TRCI GRIEVANCE OFFICE

Accepted/Denied/RFC
DENIED JUN 26 2020
TRCI GRIEVANCE OFFICE

Accepted/Denied/RFC
Date Stamp



Oregon Department of Corrections (ODOC)
Two Rivers Correctional Institution
Initial Appeal - Denied

To: Eaton, Aaron Dale
From: Rossi, H
Re: Non-Medical# TRCI_2020_04_186A

SID #: 14997682
Date: 06/11/2020

For A. Eynon,
TRCI Grievance Coordinator

Cell: TRCI:02-07A

The initial grievance appeal you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

This grievance appeal is denied as the grievance rule does not permit a returned grievance or grievance appeal to be appealed. Grievance # TRCI-2020-04-186 was received on 4/22/20, and was the 5th grievance received in April 2020. Refer to: 291-109-0215 (1) An AIC cannot have more than four active complaints (grievances, discrimination complaints, or appeals of either) at any time. Any grievance or appeal submitted that exceeds that limit will be found to be an improper use of the grievance review and discrimination complaint review systems and returned to the AIC with a statement of the rule. (2) An AIC cannot submit more than a combined total of four initial AIC grievances and discrimination complaints per calendar month.

OAR 291-109-0225 (4) An AIC may withdraw a grievance by submitting a written request to the institution grievance coordinator at any time during the grievance process. Grievances that have been withdrawn may only be reopened upon written request, at the discretion of the institution grievance coordinator.

OAR 291-109-0210 (4) An AIC cannot grieve the following: (c) Any matter that is outside of the jurisdiction of the department (for example, actions by the Board of Parole and Post-Prison Supervision);

Masks have been provided to all AIC's to assist with minimizing risk. Please adhere to protocols put in place relating to health and safety for your own protection. Please work with health services staff for any future concerns of a medical nature.

Grievances are processed in accordance with OAR 291-109. The Appeal and Second-Level Appeal process are explained in the rule, which we have made every effort to make clear and easier to follow. In addition, you state that you feel there is a mold issue that is being denied, which you state places you and your health in danger and is unsafe. Your concerns have been taken seriously and investigated by Physical Plant Manager Stark, who found as follows: *Upon my recent visual inspection of the Unit 2 showers, nothing visible was seen concerning this allegation. There was no visible discoloration or other notable characteristics, including visible texture or odor. The condition of the Unit 2 showers appears to be maintained in an ordinary fashion.* Further, anytime you experience an illness or injury, or have questions about your wellness, you are encouraged to contact Health Services. Routine care can be accessed through communications forms. Illnesses can be addressed through sick-call signups, as well as acute concerns can be addressed at any time by contacting a staff member for help.

Page 1 of 2

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SENT

JUN 12 2020

TRCI GRIEVANCE OFFICE



Oregon Department of Corrections (ODOC)
Two Rivers Correctional Institution
Initial Appeal - Denied

To: Eaton, Aaron Dale
From: Rossi, H **For A. Eynon,**
TRCI Grievance Coordinator
Re: Non-Medical# TRCI_2020_04_186 A

SID #: 14997682
Date: 06/11/2020

Cell: TRCI:02-07A

If you have any questions regarding your initial grievance appeal, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance Coordinator.

SENT

JUN 12 2020

TRCI GRIEVANCE OFFICE

Page 2 of 2

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Grievance # TRCI-2020-09-186 A

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

I dont need to show you the OAR or policy when
the conduct violates Law and or Constitutionally
protected Rights.

You Rossi are hindering, stopping, chilling, obstructing my
Protected Right of the Grievance process.

You are bound to uphold Law over policy The
U.S Supreme Court Pore v McCaughy commands
You to Judge my grievance on the merits stated
within your policy reasons for denying will
only make you a defendant

You sat the denied grievance around for a month before
you sent it to me why? Hindering!

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

reconsider my original Grievance

5-27-20

Date

Aaron Eaton

Signature

Receiving Facility
(If not processing facility)

Date Stamp

Received at Processing Facility

RECEIVED
MAY 29 2020

TRCI GRIEVANCE OFFICE

Date Stamp

Accepted/Denied/RFC

DENIED

JUN 04 2020

TRCI GRIEVANCE OFFICE

Date Stamp

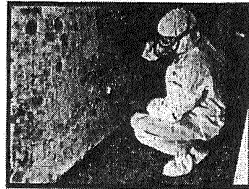
Accepted/Denied/RFC

Date Stamp

EXHIBIT

Truth About Mold

Truth
About
Mold



Home

Resources

Health Effects

Statistics

Mold Remediation

Mycotoxins

Government
Agencies

Naysayers

Insurance Bad
Faith

Litigation Tips

Contact

If you are looking for accurate information about toxic mold, you have come to the right place. If someone tells you that toxic mold isn't harmful, they are not telling you the truth.

We know there is a lot of confusing and misleading information about toxic mold. The insurance companies, their attorneys and defense experts, and other naysayers and deniers have spent millions of dollars denying the truth about the health effects of mold and mycotoxins.

Government agencies (WHO, EPA, CDC, NIEHS, NIH, FEMA, GAO, HUD, OSHA, state and city governments, etc.) **do not** publish accurate information about the health effects of toxic mold. Their information is not up to date with the scientific literature.

We created this website to give you a place to go to help you identify accurate and reliable information.

If you find a website, article or document that says toxic mold isn't harmful, that information is not accurate.

The truth about mold has been known for many years, but "Big Business" and the insurance industry and other naysayers and deniers have spent millions of dollars denying the truth.....just like they did with tobacco. The tobacco industry denied the truth about the health effects of tobacco for 50 years.

In fact, according to the Massachusetts report, "sick building syndrome" has been known since World War I, but the first published research paper on the topic did not happen until 1948 in England. Our website has reports from many government agencies including the World Health Organization (WHO), the U.S. Environmental Protection Agency (EPA), the

DO NOT use bleach, biocides or ozone on mold.

Some government agencies and disaster recovery organizations still recommend using bleach on mold, but that advice is not accurate.

Serious disinformation has been popularized and reflected in the guidelines given healthcare workers and the public encouraging the use of bleach (sodium hypochlorite) and other chlorinated products for cleaning the mold from damp indoor spaces. Biocides, including chlorine bleach, are harmful to humans and pets. Bleach is a strong corrosive material and will irritate the eyes, skin and respiratory tract. It is cytotoxic and genotoxic and has an accumulative effect on the body and can cause damage to organs.

In regard to using bleach on mold, some species propagate via spores that are unaffected by chlorine, acids, caustics or ozone. In addition, chlorinating carbon-based organic toxins increases their toxicity by increasing their mutagenicity and their lipid solubility which allows these poisons to enter the skin and accumulate in lipid rich tissue such as fat deposits and the brain.

In regard to using bleach, biocides or ozone inside heating and air conditioning ducts, the National Air Duct Cleaners Association (NADCA) says:

Air duct cleaning service providers may tell you that they need to apply a chemical biocide to the inside of your ducts to kill bacteria (germs) and fungi (mold), and prevent future biological

search

No Bleach
←

EXHIBIT

and prosecute the individuals and corporations involved in this cover-up.

Our Mission

To expose the truth about the health effects of mold, mycotoxins and indoor contaminants.

Spread the Word

Please help us expose the truth about the health effects of mold and mycotoxins. Share this website with your friends, families, coworkers, teachers, physicians, nurses, elected officials and others who need to know the truth about toxic mold.

Disclaimer

The contents of this website (including text, graphics and images) are for informational purposes only and do not constitute medical advice. The content is not intended to be a substitute for professional medical advice, diagnosis or treatment. Always seek the advice of a physician or other qualified health provider with any questions you may have regarding a medical condition. Never disregard professional medical advice or delay in seeking it because of something you have read on this website.

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Oregon

Kate Brown, Governor

EXHIBIT

Department of Corrections

Two Rivers Correctional Institution

82911 Beach Access Road

Umatilla, OR 97882

(541) 922-2001

Fax (541) 922-2046

www.doc.state.or.us

May 12, 2020



2-7A
AIC Aaron Eaton #14997682
Two Rivers Correctional Institution
82911 Beach Access Rd.
Umatilla, OR 97882

AIC Aaron:

I am responding to a communication you sent to the Department of Corrections Director Colette Peters regarding your allegations of "black mold" in the shower of your housing unit at Two Rivers Correctional Institution (TRCI).

On May 11, 2020 Lieutenant J. Robinson went to your housing unit and had you show him the possible mold in the showers. We will be moving forward in preparing a plan to keep our institution to a high level of cleanliness.

Thank you for bringing your concerns forward. If you have additional questions, please feel free to contact the on shift AOIC/OIC.

Sincerely,

Tyler Blewett
Superintendent

- c: Mr. M. Gower, Assistant Director Operations
Mr. K. Jackson, Assistant Superintendent Security
Captain T. Rumsey, Operations Captain
Lieutenant J. Robinson
File





Oregon Department of Corrections (ODOC)
Two Rivers Correctional Institution
Grievance - Denied

To: Eaton, Aaron Dale
From: Rossi, H **For A. Eynon,**
TRCI Grievance Coordinator
Re: Non-Medical# TRCI_2020_04_186

SID #: 14997682
Date: 05/19/2020

Cell: TRCI:02-07A

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

An AIC cannot submit more than a combined total of four initial AIC grievances and discrimination complaints per calendar month.

Your grievance has not demonstrated how it qualifies under 291-109-0210. You have not demonstrated misapplication of departmental policies, rules, or other directives, unprofessional actions of department employees, volunteers, or contractors, inadequate medical or mental health treatment, sexual abuse or sexual harassment or excessive use of force by department employees.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance/Discrimination Complaint Coordinator.

SENT

MAY 22 2020

TRCI GRIEVANCE OFFICE

Page 1 of 1

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Grievance # TRCI-2020-04-186

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #Whom are you grieving: Physical plant.Please provide the date/time of incident giving rise to grievance: 4-20-20 continuing

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

O.R.S 421.105 (1) (2) I'm to be protected as an A.I.C and you failed to protect me from the mold in unit 2 showers which you have been notified about.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Properly Chem all showers and decontaminate them.

4-20-20
DateAaron Eaton
Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED APR 22 2020 TRCI GRIEVANCE OFFICE Date Stamp

Accepted/Denied/RFC
DENIED APR 27 2020 TRCI GRIEVANCE OFFICE Date Stamp

Accepted/Denied/RFC
Date Stamp

For grievance information see back page. Distribution: White (Original grievance form); Canary (Inmate receipt after processed)

CD 117 (10/2019)

RECEIVED
APR 28 2020

OREGON DEPARTMENT OF CORRECTIONS

20-04-49

INMATE COMMUNICATION FORM

TRCI GRIEVANCE OFFICE

TO: Grievance Coordinator Rossi Date: 4-26-20

State your issue in detail: because you are in violation of U.S Supreme Courts decision on Poza v. McCaughtry, 286 F.3d 1022, 1025 (7th cir.) cert denied 537 U.S 949 (2002) every time you deny my grievances for an Oregon Dept. of Corr. Policy instead of obeying a U.S Supreme Court decision and excepting or denying my Grievances on the merits stated therein in Grievance # TRCI-2020-03-148 I need you to tell me the next step in O.D.C. thinking that I should take concerning the Mold you are denying to help fix which places me and my Health in danger and is unsafe, keep in mind that O.R.S 423.075 (5) (d) directs the Director and the Directors workers are to "Provide for the Safety of all inmates in the custody of DOC." Thank you for your Help

Inmate Committed Name (first middle last)

Aaron Dale Eaton

SID#

14997682

Housing Unit

2

Response/Action Taken:

Grievances are processed in accordance with OAR 291-109. The Appeal and Second Level Appeal process are explained in the rule, which we have made every effort to make clear and easier to follow. In addition, you state that you feel there is a mold issue that is being denied, which you state places you and your health in danger and is unsafe. Your concerns have been taken seriously and investigated by Physical Plant Manager Stark, who found as follows: Upon my recent visual inspection of the Unit 2 showers, nothing visible was seen concerning this allegation. There was no visible discoloration or other notable characteristics, including visible texture or odor. The condition of the Unit 2 showers appears to be maintained in an ordinary fashion. Further, anytime you experience an illness or injury, or have questions about your wellness, you are encouraged to contact Health Services. Routine care can be accessed through communications forms. Illnesses can be addressed through sick-call signups, as well as acute concerns can be addressed at any time by contacting a staff member for help.

Date Received:

5/18/20

Referred To*:

Date Answered:

Signature of Staff Member:

A. Eynon, TRCI Grievance Coordinator

*If forwarded, please notify the inmate

CD 214 (12/04)



Oregon

Kate Brown, Governor

Department of Corrections

Operations Division
2575 Center Street NE
Salem, OR 97301-4667
Voice: 503-945-0950
Fax: 503-945-7178



August 26, 2020

AIC Aaron Eaton, SID #14997682
Two Rivers Correctional Institution
82911 Beach Access Rd
Umatilla, OR 97882

Dear Mr. Eaton,

This letter is in response to your Final Grievance Appeal, #TRCI-2020-05-036AA, in which you have submitted a request for the replacement of Two Rivers Correctional Institution showers.

I have reviewed your appeal, and I concur with the response you received from Assistant Superintendent Ridley on behalf of Superintendent Blewett. You have not provided any additional information in this appeal that would warrant a response other than that which you have already received.

Thank you for addressing your concerns appropriately. This concludes the grievance review process for this matter.

Sincerely,

Mark Nooth
Eastside Institutions Administrator

cc: M. Gower, Asst. Director of Operations
T. Blewett, TRCI Superintendent
TRCI Grievance Coordinator
File

RECEIVED

SEP 10 2020

TRCI GRIEVANCE OFFICE

SENT

SEP 11 2020

TRCI GRIEVANCE OFFICE

102

Grievance # TRCI-2020-05-036AA

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Blank #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

In the grievance response it is stated; "I have reviewed your appeal, as well as all prior documentation relating to this grievance" I'll prove that you are not comprehending what you read then, it further states "Mr. Stark's review of the shows is concurrent with our ~~high~~ initial plans of maintaining high standards of cleanliness" So mold is clean? Safe? because I'm about to bring it all together now let's go on with the response "Mr. Stark's review showed that anything discovered by LT Robinson was remedied" So you are clearly stating LT Robinson was here first, hmmm... Nope Mr. Stark was here first then days later at night LT Robinson. So you clearly did not review the "other documentation" look at the dates of both Stark taking photos and Robinson ~~at LT Robinson~~ Stop trying to twist things and admit you are making me live

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

7-28-20
Date

Aaron Dale Eaton
Signature

Receiving Facility
(If not processing facility)

Date Stamp

Received at Processing Facility

RECEIVED
JUL 30 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC

ACCEPTED
AUG 07 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC

Date Stamp

For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)

2 of 2

Grievance # TRCI-2020-05-036AA

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

on a unit that has mold in the showers and you don't care.
Mr stark can not tell the future can he? I have told
DOC several times now that the mold is causing injury
and DOC takes no actions.
How can what Mr. Stark ~~found~~ did fix LT Robinson
and what L.T Robinson found?

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

protect me from DOC Negligence replace the shower with
a Mold free shower stop torturing me.

2-28-20

Date

Larry Dal Eaton

Signature

Receiving Facility (If not processing facility) Date Stamp	Received at Processing Facility RECEIVED JUL 30 2020 TRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC ACCEPTED AUG 07 2020 TRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC Date Stamp
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For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)



Oregon

Kate Brown, Governor

Oregon Department of Corrections

Two Rivers Correctional Institution
82911 Beach Access Rd.
Umatilla, OR 97882
Voice: 541-922-2001



July 24, 2020

7A

Aaron Eaton, SID #14997682
Two Rivers Correctional Institution
82911 Beach Access Rd.
Umatilla, OR 97882

Dear Aaron Eaton,

This letter is in response to your Initial Grievance Appeal, #TRCI-2020-05-036A, in which you unit 2 has black mold in the showers.

I have reviewed your appeal, as well as all prior documentation relating to this grievance. Mr. Stark's review of the showers is concurrent with our initial plan of maintaining high standards of cleanliness. Mr. Stark's review showed that anything discovered by Lt. Robinson was remedied. Additionally, I can confirm that TRCI is getting complete new shower coatings institution-wide, which will further assist in the process of keeping the showers clean. This process will resume as soon as COVID restrictions have been lifted for contractor access.

Thank you for addressing your concerns appropriately.

Sincerely,

Tyler Blewett, Superintendent
Two Rivers Correctional Institution

cc: TRCI Grievance Coordinator

SENT

JUL 24 2020

TRCI GRIEVANCE OFFICE

11 of 2.

Grievance # TRCI-2020-05-03614

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

In the response you state, "Your allegation has been reviewed concerning possible black mold in the showers of housing unit 2. These allegations have been confirmed by L.T. Robinson on May 11th he took pictures of the mold, and T. Blewett responded to me and state "We will be moving forward in preparing a plan to keep our institution to a high level of cleanliness" nothing visible was seen concerning this allegation. I beg to differ for L.T. again took pics of mold, so Mr. J. Stark is wrong and knows it yet will say he is right knowing full well he is not, these acts are in violation of his DEC policy 20.1.3 Truthfulness and others and ORS 423.020 (5) (d) as well as ORS 423.075) The condition of the unit 2 showers appear to be maintained

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

6-13-20

Date

Aaron Eaton

Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED JUN 16 2020 TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
ACCEPTED JUN 25 2020 TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Date Stamp

For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)

2 of 2

Grievance # TRCI-2020-05-036A

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

in an ordinary fashion. So your saying the pictures of the mold L.T. Robinson took is "ordinary" hmm... Additionally during the Covid 19 effective April 14 2020 bleach has been provided to all housing units as an additional cleaning agent. Did you not read the Exhibit I provided? which plainly states "DO NOT USE Bleach, biocides or ozone on mold",)

So if the mold allegations are not true then why did L.T. find and take pics? and why is L.T. saying the showers are going to be fixed and all the tile replaced?

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

Redo all the showers properly protect me from mold exposure.

6-13-20

Date

Aaron Eaton

Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED JUN 16 2020 TRCI GRIEVANCE OFFICE Date Stamp

Accepted/Denied/RFC
ACCEPTED JUN 25 2020 TRCI GRIEVANCE OFFICE Date Stamp

Accepted/Denied/RFC
Date Stamp



GRIEVANCE RESPONSE FORM

TO BE FILLED OUT BY STAFF

Grievance #: TRCI-2020-05-036

TO: Eaton, Aaron 14997682
Name of grievant SID #

FROM: J. Stark Physical Plant Manager
Name of respondent Title

List, in detail, action(s) taken. (What action was taken? Was the action what the AIC requested? If not, why? Who took the action? When was the action taken – date/time?)

This is in response to your grievance #TRCI-2020-05-036:

Your allegation has been reviewed concerning possible "toxic black mold" in the showers of housing unit 2. Upon my recent visual inspection of the Unit 2 showers, nothing visible was seen concerning this allegation. There was no visible discoloration or other notable characteristics, including visible texture or odor. The condition of the Unit 2 showers appear to be maintained in an ordinary fashion. The flat tile surface and the grout in between tiles did not appear to be discolored or dirty but had ordinary amounts of soap scum / hard water stains. The yellowing of the grout lines on the bottom 18" or so of the walls appears to be standard soap scum. The walls are filled with a white grout and the floors are filled with a dark tan grout. The floor grout, when wet, appears even darker than it really is due to moisture absorption but none of this could be construed as mold. I did not visually see or otherwise note anything that would appear to present a health risk. Cleaning products are regularly provided to each housing unit to ensure that the cleanliness of the showers, as well as the entire unit, is maintained. Additionally, during the current virus concerns of covid-19, effective April 14, 2020, bleach has been provided to all housing units as an additional cleaning agent. Housing unit staff have reported hearing no complaints for several months about the condition of the Unit 2 showers. As a reminder, anytime you experience an illness or injury, or have questions about your wellness, you are encouraged to contact Health Services. Routine care can be accessed through Communication Forms. Illnesses can be addressed through sick-call signups. Acute health concerns can be addressed anytime by contacting a staff member for help.

Do not type past this line

6/10/2020

Date:

[Signature]
Signature of Staff Member

[Signature]
Signature of Supervisor (Print/Sign)

Receiving Facility (if not processing facility) Date Stamp	Received at Processing Facility RECEIVED JUN 10 2020 TRCI GRIEVANCE OFFICE Date Stamp	Sent to AIC SENT JUN 11 2020 TRCI GRIEVANCE OFFICE Date Stamp
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Distribution:
 White (Original grievance response form)

CD117B (10/19)



Page: 1 of 3 (3 page limit)

Grievance # TRCI-2020-05-036

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: The Director of O.D.C.

Please provide the date/time of incident giving rise to grievance: 5-10-20 7:45 am

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

O.D.C. Policy 20.1.3(3) § B.1 Violation of Directives: "Employees shall not knowingly commit or omit acts which constitute a violation of any policy, rule, procedure, regulations, directives, or orders of the Dept. Governor Kate Brown appoints the Director of Dept. of Corrections Colett Peters, The director is bound by law (Oregon Revised Statutes) to obey The Governor's rules, regulations, directives and orders, The director then gives a directive, order, etc. to the dept. See O.R.S 423.020 (5) (d) "The Director of the Dept. of Corrections shall: Provide for the safety of all prisoners in the custody of the dept..." and O.R.S 423.075 (1) (2) (4) (5) (a) (c) (d) On 5-10-20 There was black mold in the unit 2 Shower #4

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Reduce all Shower Tile, Properly protect me from exposure To Toxic molds in the Showers.

5-10-20

Date

Aaron Eaton

Signature

<p>Receiving Facility (If not processing facility)</p> <p>Date Stamp</p>

<p>Received at Processing Facility</p> <p>RECEIVED</p> <p>MAY 12 2020</p> <p>TRCI GRIEVANCE OFFICE</p> <p>Date Stamp</p>
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<p>Accepted/Denied/RFC</p> <p>ACCEPTED</p> <p>MAY 19 2020</p> <p>TRCI GRIEVANCE OFFICE</p> <p>Date Stamp</p>
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<p>Accepted/Denied/RFC</p> <p>Date Stamp</p>



Page: 2 of 3 (3 page limit)

Grievance # TRCI-2020-05-036

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: The Director of O.D.O.C

Please provide the date/time of incident giving rise to grievance: 5-10-20 7:45 Am

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

on the bottom tier, the mold was under the handicap seat and feces was there too. There are two A.I.C's that witnessed the black mold because they were trying to clean it but did not have the CDC recommended supplies. And Experience has shown that when O.D.O.C staff act on their own as rogue staff, or a superior officer/staff fails to correct these actions when made aware of such actions validating and condoning such types of actions - these staff directly challenge the authority of the Director of the dept. of corrections, inciting other staff to disregard the rules, regulations, directives, orders, policies, customs of the dept. of corrections which in turn creates an adversarial

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Reduce all shower time, properly protect me from exposure to Toxic molds in the showers.

5-10-20

Date

Aaron Eaton

Signature

<p><u>Receiving Facility</u> (If not processing facility)</p> <p>Date Stamp</p>
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<p><u>Received at Processing Facility</u></p> <p>RECEIVED</p> <p>MAY 12 2020</p> <p>TRCI GRIEVANCE OFFICE</p> <p>Date Stamp</p>

<p><u>Accepted/Denied/RFC</u></p> <p>ACCEPTED</p> <p>MAY 19 2020</p> <p>TRCI GRIEVANCE OFFICE</p> <p>Date Stamp</p>

<p><u>Accepted/Denied/RFC</u></p> <p>Date Stamp</p>
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Page: 3 of 3 (3 page limit)Grievance # TRCI-2020-05-036

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #Whom are you grieving: The Director of CDOCPlease provide the date/time of incident giving rise to grievance: 5-10-20 7:45 pm

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

and hostile living environment, thereby posing a direct threat to "Safety" and "Wellbeing" and "Health" to me.

CAVEAT: Please be aware that rejecting my grievance for some dept. policy and choosing not to decide the grievance on the merits brought forth then C.D.O.C will be barred from the defence of alleging, I failed to exhaust, should C.D.O.C seek dismissal of a subsequent lawsuit ~~to~~ filed. Case law authority: Pozo v McLaughtry 286 F3d 1022, 1025 (7th cir.) cert. denied, 537 U.S. 949 (2002)

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Reduce all Shower Tiles, properly protect me from exposure to toxic molds in the showers.5-10-20

Date

Aaron Eaton

Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED MAY 12 2020 TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
ACCEPTED MAY 19 2020 TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Date Stamp

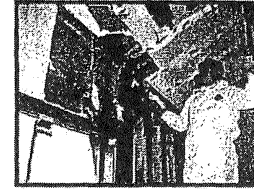
For grievance information see back page. Distribution: White (Original grievance form); Canary (AIC receipt after processed)

CD 117 (11/2019)

EXHIBIT

Truth About Mold

Truth
About
Mold



Home

Resources

Health Effects

Statistics

Mold Remediation

Mycotoxins

Government
Agencies

Naysayers

Insurance Bad
Faith

Litigation Tips

Contact

If you are looking for accurate information about toxic mold, you have come to the right place. If someone tells you that toxic mold isn't harmful, they are not telling you the truth.

We know there is a lot of confusing and misleading information about toxic mold. The insurance companies, their attorneys and defense experts, and other naysayers and deniers have spent millions of dollars denying the truth about the health effects of mold and mycotoxins.

Government agencies (WHO, EPA, CDC, NIEHS, NIH, FEMA, GAO, HUD, OSHA, state and city governments, etc.) **do not** publish accurate information about the health effects of toxic mold. Their information is not up to date with the scientific literature.

We created this website to give you a place to go to help you identify accurate and reliable information.

If you find a website, article or document that says toxic mold isn't harmful, that information is not accurate.

The truth about mold has been known for many years, but "Big Business" and the insurance industry and other naysayers and deniers have spent millions of dollars denying the truth....just like they did with tobacco. The tobacco industry denied the truth about the health effects of tobacco for 50 years.

In fact, according to the Massachusetts report, "sick building syndrome" has been known since World War I, but the first published research paper on the topic did not happen until 1948 in England. Our website has reports from many government agencies including the World Health Organization (WHO), the U.S. Environmental Protection Agency (EPA), the

DO NOT use bleach, biocides or ozone on mold.

Some government agencies and disaster recovery organizations still recommend using bleach on mold, but that advice is not accurate.

Serious disinformation has been popularized and reflected in the guidelines given healthcare workers and the public encouraging the use of bleach (sodium hypochlorite) and other chlorinated products for cleaning the mold from damp indoor spaces. Biocides, including chlorine bleach, are harmful to humans and pets. Bleach is a strong corrosive material and will irritate the eyes, skin and respiratory tract. It is cytotoxic and genotoxic and has an accumulative effect on the body and can cause damage to organs.

In regard to using bleach on mold, some species propagate via spores that are unaffected by chlorine, acids, caustics or ozone. In addition, chlorinating carbon-based organic toxins increases their toxicity by increasing their mutagenicity and their lipid solubility which allows these poisons to enter the skin and accumulate in lipid rich tissue such as fat deposits and the brain.

In regard to using bleach, biocides or ozone inside heating and air conditioning ducts, the National Air Duct Cleaners Association (NADCA) says:

Air duct cleaning service providers may tell you that they need to apply a chemical biocide to the inside of your ducts to kill bacteria (germs) and fungi (mold), and prevent future biological

search

CAVEAT
No
Bleach

U.S. Government Accountability Office (GAO)
and many other Government Agencies.

As the U.S. EPA says:

The purpose of mold remediation is to remove
the mold to prevent human exposure and
damage to building materials and furnishings.
It is necessary to clean up mold
contamination, not just to kill the mold. Dead
mold is still allergenic, and some dead molds
are potentially toxic.

The U.S. EPA also says:

Biocides are toxic to humans. Do not use
fungicides developed for use outdoors for
mold remediation or for any other indoor
situation.

It's important to know that the insurance
industry and other naysayers (deniers) have
spent a lot of money trying to stop the use of
the term "toxic mold." The truth is that many
types of mold produce mycotoxins, so the term
"toxic mold" is appropriate. They like to "spin"
the news to their advantage and have paid
their defense experts huge sums of money to
write reports claiming that mold isn't harmful.
This is all part of their "misinformation"
strategy to hide the truth about the health
effects of mold. They use similar tactics
during litigation. The bad faith insurance
companies will spin the truth and alter the
facts and the evidence. They will do
ANYTHING to win lawsuits including paying
bribes and committing other crimes.

It's also important to know there can be other
factors (in addition to mold and mycotoxins)
that cause illness in water-damaged buildings.
For example, there could be various types of
bacteria such as actinomycetes and
streptomycetes.

This is a complex issue, so you must be sure
to hire qualified experts to help you and get
medical treatment from doctors who know
how to treat illness caused by toxic mold.

We have hundreds of documents in our files. If
you are looking for specific information,
research papers, naysayer papers or reports,
Contact us.

**Bottom line: If someone tells you the
inhalation of molds and mycotoxins
isn't harmful, they are giving you
incorrect information. We hope the U.S.
legal system will eventually investigate**

growth. Some duct cleaning service providers
may propose to introduce ozone to kill
biological contaminants. Ozone is a highly
reactive gas that is regulated in the outside air
as a lung irritant. However, there remains
considerable controversy over the necessity
and wisdom of introducing chemical biocides
or ozone into the duct work.

**In regard to the claims of some service
providers who say they need to use
chemicals to "sanitize" the ductwork, the
National Air Duct Cleaners Association
(NADCA) says:**

The EPA has not registered any products for
sanitizing or disinfecting ductwork. Further, no
fungicides are registered for use in ductwork. It
is a violation of federal law to use a product in
a manner inconsistent with its labeling. For
antimicrobials, this law is the Federal
Insecticide, Fungicide, and Rodenticide Act
(FIFRA). Therefore, any claims of sanitizing or
disinfecting ductwork would require the use of
a product in a manner inconsistent with its
labeling, which is a violation of FIFRA.
Violations of FIFRA can result in fines and
criminal penalties from the EPA.

Medical
Care



Oregon

Kate Brown, Governor

Department of Corrections

Health Services
2575 Center St. NE
Salem, OR 97301-4667
(503) 378-5593
Fax (503) 378-5597



February 8, 2021

Aaron Eaton, SID #14997682
Two Rivers Correctional Institution
82911 Beach Access Rd.
Umatilla, OR 97882

RE: Grievance Appeal TRCI-2020-05-077AA

Dear AIC Eaton:

This letter is in response to the above referenced grievance appeal, in which you allege that Health Services has failed to treat, and/or test you regarding reported respiratory symptoms. You are requesting to see a Provider and not a nurse.

You have been evaluated appropriately by qualified Medical personnel and given treatment according to Community Standards and Practices. You have been evaluated by Nurses at Sick Call, who consulted with the Provider. You have been prescribed an Albuterol inhaler, and an additional inhaler; Wixela, as well as received a dose pack of Prednisolone.

Documentation confirms you have been, and continue being, seen and treated appropriately for the symptoms you have referred to in your grievance.

Health Services is committed to providing care that is respectful, compassionate, objective and non-judgmental. The best way for you to achieve your healthcare goals is to continue working with the Health Services staff. Please feel free to communicate your medical needs with the healthcare staff.

Sincerely,

J. Bugher
Assistant Director, Health Services

CC: A. Eynon, Grievance Coordinator, TRCI
S. Johnston, RN, Medical Services Manager, TRCI
File

RECEIVED
FEB 26 2021
TRCI GRIEVANCE OFFICE

SENT
FEB 26 2021
TRCI GRIEVANCE OFFICE

Grievance # TRCI-2020-05-0771A
Official Use Only Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

In The first level Appeal response, "... Documentation confirms you are being seen and Treated appropriately for the symptoms you have referred to in your grievance appeal." This simply is not True, I was seen and blow into the little thing and my out going breathing ranged from under 400 to just above 300 then I was told "I'm not doing anything for you" How is that "appropriate"? There are clear signs of "Damage" that others have reported and Nothing is being done. So my final appeal is Please Help ME! I CAN NOT BREATH Properly IM IN PAIN WHEN I DO BREATH

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

TREAT ME

10-9-20
Date

Aaron Dale Eaton
Signature

Receiving Facility (If not processing facility)	Received at Processing Facility	Accepted/Denied/RFC	Accepted/Denied/RFC
	RECEIVED OCT 12 2020 TRCI GRIEVANCE OFFICE	ACCEPTED OCT 22 2020 TRCI GRIEVANCE OFFICE	
Date Stamp	Date Stamp	Date Stamp	Date Stamp

For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)



Oregon

Kate Brown, Governor

Department of Corrections

Health Services
2575 Center St. NE
Salem, OR 97301-4667
(503) 378-5593
Fax (503) 378-5597



September 30, 2020

Aaron Eaton, SID #14997682
Two Rivers Correctional Institution
82911 Beach Access Rd
Umatilla, OR 978824

RE: Grievance Appeal TRCI-2020-05-077A

Dear Mr. Eaton:

This letter is in response to the above referenced grievance appeal, in which you allege that Health Services has failed to treat, and/or test you regarding reported respiratory symptoms. You are requesting to see a Provider and not a nurse.

Documentation confirms you are being seen and treated appropriately for the symptoms you have referred to in your grievance appeal.

Health Services is committed to providing care that is respectful, compassionate, objective and non-judgmental. The best way for you to achieve your healthcare goals is to continue working with the Health Services staff. Please feel free to communicate your medical needs with the healthcare staff.

Sincerely,

Warren Roberts, M.D., F.A.A.N.S.
Deputy Medical Director

CC: A. Eynon, Grievance Coordinator, TRCI
S. Johnston, RN, Medical Services Manager, TRCI
File

RECEIVED
OCT 06 2020

TRCI GRIEVANCE OFFICE

SENT
OCT 06 2020

TRCI GRIEVANCE OFFICE

1 of 3

Grievance # TRCI-2020-DS-0771A

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

In The response to my grievance J. Faulstich states "... Documentation shows your long history ~~with~~ of asthma and COPD," During this Covid 19 Pandemic and the complaints of Toxins molds on the unit which both will make me more susceptible to each other than my underlying conditions of Asthma and COPD, Medical personnel believes it is standard operating procedure to not see someone (me) who has complained several times of the very symptoms that are red flags to other doctors all over this country. Then J Faulstich further states "with corresponding and successful treatments. The treatment prescribed to you; albuterol and Zyrtec (in place of Levastidine not available from custom at present) were prescribed by Consult with the provider." Lets break this down (1) Albuterol yes I received, Zyrtec No I never got

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

7-1-20
Date

Aaron Eaton
Signature

Receiving Facility (If not processing facility) Date Stamp	Received at Processing Facility RECEIVED JUL 06 2020 TRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC ACCEPTED JUL 15 2020 TRCI GRIEVANCE OFFICE Date Stamp	Accepted/Denied/RFC Date Stamp
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For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)

2 of 3

Grievance # TRCE-2020-05-077A

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

this medication. I look at the sign sheet was it ever issued No. because it never came in and I was never on the call out so I purchased Lorazepam see receipt # 8655237 Staff JD Tassier so you did not perform your Job Duties concerning me a member of The sub-population you are to provide adequate Health and Medical care for. And lets be clear I never have seen a provider during this World Wide Pandemic even though Medical clearly knows I'm an at risk person having two Top conditions that if infected will complicate and kill me. Then you allow me to be exposed to Molds of a Toxic nature with NO in person visits I've not been seen by a Provider nor a Nurse in person, since I've complained about my Allergy type symptoms to medical over the past few

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

7-1-20

Date

Aaron Eaton

Signature

Receiving Facility (If not processing facility)	Received at Processing Facility	Accepted/Denied/RFC	Accepted/Denied/RFC
	RECEIVED JUL 06 2020 TRCI GRIEVANCE OFFICE	ACCEPTED JUL 15 2020 TRCI GRIEVANCE OFFICE	
Date Stamp	Date Stamp	Date Stamp	Date Stamp

For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)

3 of 3

Grievance # TRCI-2020-05-077A

Official Use Only

Resubmit

GRIEVANCE APPEAL FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #

List in detail all the reasons you disagree with the original grievance response or initial appeal response. (For the initial appeal, attach original grievance form and staff response. For the final appeal, attach the initial appeal form and response as well as the original grievance and response.)

months and I'm still having bloody noses, sneezing, coughing, wheezing, hives, nausea, diarrhea, discolored urine with smells respiratory issues (Not able to breath deep) and pain, (The pain in my chest when I Breath deep) and muscle pains, Joint pains and Medical wants to Not see me in person with all these symptoms? JOB Duties are not being done. Last you state "I find you have been seen (when? Not during this Pandemic time and have by a Provider), assessed and treated (Really the symptoms are still active how is that treated?) appropriately (so your saying its appropriate to Not see an at risk who has been complaining of Respiratory issues?) The Provider will see you as indicated.) where is there an indication? Not.

Describe what action you want taken to resolve the grievance appeal if different from original grievance submission.

Medical To do the required Job duties and have the provider see me in person and properly treat me

7-1-20

Date

Aaron Eaton

Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED JUL 06 2020
TRCI GRIEVANCE OFFICE

Accepted/Denied/RFC
ACCEPTED JUL 15 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Date Stamp

For grievance information see back page. Distribution: Green (Original grievance form); Goldenrod (Inmate receipt after processed)

CD 117C (10/2019)

GRIEVANCE RESPONSE FORM

TO BE FILLED OUT BY STAFF

Grievance #: TRCI-2020-05-077

TO: Aaron Eaton 14997682
Name of grievant SID #

FROM: J Faulstich RN
Name of respondent Title

List, in detail, action(s) taken. (What action was taken? Was the action what the inmate requested? If not, why? Who took the action? When was the action taken – date/time?)

This letter is in response to the above referenced grievance, in which you allege "Medical has failed to treat, and/or test me" [refer to reported respiratory symptoms]. You want "Medical to do the required job and have the Provider not a Nurse see me."

I have read the above referenced grievance, and thoroughly reviewed your Medical Record. Documentation shows your long history of asthma and COPD, with corresponding and successful treatments. You have not presented any additional symptoms that would indicate other than exacerbation of either condition. The treatments prescribed to you; albuterol and Zyrtec (in place of Loratidine not available from canteen at present) were prescribed by consult with the Provider. Providers are attempting to see patients as the current health restrictions/precautions will allow, but are essentially still limited to urgent/emergent conditions beyond trying to see those who had to be cancelled previously. Nurses are capable of assessing very effectively and consulting with Providers to assure needs are met.

I find you have been seen, assessed and treated appropriately as indicated, the Provider will see you as indicated.

Do not type past this line

6/24/2020

Date:

J Faulstich
Signature of Staff Member

Scott
RN

Receiving Facility (if not processing facility)	Received at Processing Facility RECEIVED	Sent to Inmate SENT
	JUN 25 2020	JUN 26 2020
	TRCI GRIEVANCE OFFICE	TRCI GRIEVANCE OFFICE
Date Stamp	Date Stamp	Date Stamp

Scott Wolynn
Signature of Supervisor (Print/Sign)

Distribution:
White (Original grievance response form)

CD1178 (10/19)

Page: 1 of 3 (3 page limit)Grievance # TRCI-2020-05-077 v 10

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #Whom are you grieving: Medical ProviderPlease provide the date/time of incident giving rise to grievance: 5-8-20

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

Please Safeguard me from retaliation following this Protected Activity.
Over the past few months I've been complaining of respiratory
issues to Medical, The medical dept. Provider prescribed
me "Albuterol" Upon further study I've found that my respiratory
issues could be Sinusitis as my complaints to medical included
complaints of Pain, Coughing, wheezing and respiratory Allergy
type symptoms. Medical has failed to Treat, and or
Test me, while advising me to purchase "Loratadine"
The failures of Medical To obey ORS 423.020 (1) (d)
The Dept. of Corrections shall: Provide adequate
health and medical care for persons confined. Medical
is also Violating O.R.S 423.020 (4) (b) Equal Treatment

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Medical To do the required Job and have the provider
Not a Nurse see me.

5-8-20
DateAaron Eaton
Signature

Receiving Facility (If not processing facility) RECEIVED JUN 08 2020 TRCI GRIEVANCE OFFICE Date Stamp

Received at Processing Facility RECEIVED MAY 12 2020 TRCI GRIEVANCE OFFICE Date Stamp
--

Accepted/Denied/RFC Returned For Correction MAY 19 2020 TRCI GRIEVANCE OFFICE Date Stamp

ACCEPTED JUN 12 2020 TRCI GRIEVANCE OFFICE Date Stamp

Page: 2 of 3 (3 page limit)Grievance # TRCI-2020-05-077

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Eaton Aaron D 14997682 2-7-A
Last First Initial SID# Cell/Block/Bunk #Whom are you grieving: Medical ProviderPlease provide the date/time of incident giving rise to grievance: 5-8-20

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

of all persons confined. And O.R.S 423.075 (5) (a)
States that The Oregon Dept. of Corrections shall:
Provide for the safety of all prisoners in custody.
Now experience has shown that when ODOC staff members
begin to get on their own as regular staff, or a
superior officer/staff member fails to correct these conditions
when made aware of such conduct validating and
condoning such actions these staff directly challenge the
rules, customs, and policies creating an adversarial
and hostile living environment thereby posing a direct
threat to the safety of others. Please be aware that
reverting this Grievance for some sort of "Policy" and

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Medical To do The required Job and have the provider
Not a Nurse see me.

Date
5-8-20Signature
Aaron Eaton

Receiving Facility (If not processing facility) RECEIVED JUN 08 2020 TRCI GRIEVANCE OFFICE Date Stamp

Received at Processing Facility RECEIVED MAY 12 2020 TRCI GRIEVANCE OFFICE Date Stamp
--

Accepted/Denied/RFC Returned For Correction MAY 19 2020 TRCI GRIEVANCE OFFICE Date Stamp

Accepted/Denied/RFC ACCEPTED JUN 12 2020 TRCI GRIEVANCE OFFICE Date Stamp
--

Page: 3 of 3 (3 page limit)Grievance # TRCI-2020-05-077 v 10

Official Use Only

Resubmit

GRIEVANCE FORM

Name: Eaton Aaron D 14997682 2-7-19
Last First Initial SID# Cell/Block/Bunk #Whom are you grieving: Medical ProviderPlease provide the date/time of incident giving rise to grievance: 5-8-20

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

choosing not to decide this grievance on the merits
brought forth, then O.D.C. will be barred from the
defense of alleging I failed to exhaust my remedies
should a dismissal of a subsequent lawsuit be filed.
Pozo v McCaughtry cert denied (2002)

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Medical to do the required job and have the provider
Not a nurse see me.

5-8-20
DateAaron Eaton
Signature

Receiving Facility (If not processing facility)
RECEIVED
JUN 08 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Received at Processing Facility
RECEIVED
MAY 12 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Returned For Correction
MAY 19 2020
TRCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
ACCEPTED
JUN 12 2020
TRCI GRIEVANCE OFFICE
Date Stamp

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORMTO: Rossi Date: 6-4-20

State your issue in detail: I have clearly stated my issue refer to line 7 begining with the Word "Medical" I'll clearly state that it should have said "Medical Provider" Patton is no longer here so I've no clue as to the Name of my provider.

I fixed the "Whom are you grieving" to Medical Provider.

Why did this take 16 days to get to my cell? Your stamp reads, May 19th 20 as Returned for Correction yet it is June 4th at mail delivery 5pm when I get it back, what do you do once you stamp return for correction set it on your "wait two weeks then put in mail pile"?

AIC Committed Name (first middle last)

Aaron Dale Eaton

SID#

14997682

Housing Unit

2

Response/Action Taken:

Date Received: _____ Referred To*: _____

Date Answered: _____ Signature of Staff Member: _____

If forwarded, please notify the AIC

CD 214 (02/2020)



Oregon Department of Corrections (ODOC)
Two Rivers Correctional Institution
Grievance - Returned for Correction(s)

To: Eaton, Aaron Dale
From: Rossi, H For A. Eynon,
TRCI Grievance Coordinator

SID #: 14997682
Date: 06/02/2020

Cell: TRCI:02-07A

Re: Medical# TRCI_2020_05_077

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

A grievance must include a complete description of the incident or issue being grieved, including date and time of the incident or issue being grieved, and the specific individual responsible for the incident or issue. Clearly state what occurred on you listed incident.

Also finish signing page .

291-109-0225 Grievance and Appeals General Processing Standards

(2) Grievances and grievance appeals returned for correction:

(a) An AIC may elect to resubmit a grievance or grievance appeal that has been returned for correction to the AIC because it does not comply with these rules.

(b) The grievance or grievance appeal may only be resubmitted twice and must be received by the institution grievance coordinator within 14 calendar days from when the grievance or grievance appeal was originally returned to the AIC.

(c) If rewritten, the return receipt and original grievance or grievance appeal must also be attached.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance Coordinator.

SENT
JUN 02 2020
TRCI GRIEVANCE OFFICE

Page 1 of 1

Confidentiality Notice: This document contains information belonging to the Department of Corrections. This information may be confidential, restricted, and/or legally privileged, and is intended for appropriate and approved use under existing department rules, regulations, confidentiality and security agreements. If you have received this document in error, please notify DOC immediately, keep the contents confidential, and promptly destroy the information and/or delete the document information from your computer system.

NON-EMERGENCY HEALTH CARE REQUEST

Aaron Del Eaton 14997682 2-7-1A 2-24-20
Name State ID# Housing Date

Medications:

- ☐ I have not received my prescription
- ☐ My prescription is about to expire
- ☐ My prescription is not helping

Glasses

- ☐ Eye exam for glasses
- ☐ Repair

Vaccines

- ☐ Hepatitis A/B
- ☐ Flu
- ☐ Pneumonia
- ☐ Shingles
- ☐ HIV Test
- ☐ Hepatitis C Test

Other Function

- ☐ BP check
- ☐ Test result request
- ☐ Is my appointment still scheduled?
- ☐ Other issues – not sick:

Health Care request, issue, concern, or sickness:

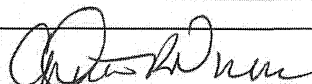
My breathing difficult I'm Having troubles catching my
breath

We have taken the following actions in response to your health service request:

- ☒ You will be scheduled to see: ☐ Provider ☒ Nursing staff
- ☐ Your request has been forwarded to: ☐ Manager ☐ Optometry ☐ Support Services ☐ BHS
☐ Pharmacy Technician ☐ See attached health education handout

Additional Comments:

SICK CALL

Responder's Signature:  Date: REC'D FEB 25 2020
RN

EXHIBIT

CD 1738 9/2016

OREGON DEPARTMENT OF CORRECTIONS

EXHIBIT

INMATE COMMUNICATION FORM

TO: Medical Staff Date: 2-28-20

State your issue in detail: I've Just found Black Mold in unit 2
Showers and the officer is having it cleaned
my question is, Could my recent breathing issues
be due to inhaling little bits of the Black mold
over the past few months?

Inmate Committed Name (first middle last)	SID#	Housing Unit
<u>Aaron Dale Eaton</u>	<u>14997682</u>	<u>2</u>

Response/Action Taken: _____

SICK CALL your scheduled

REC'D FEB 29 2020

Date Received: _____ Referred To*: _____

Date Answered: 2-1-2020 Signature of Staff Member: Schlesinger

If forwarded, please notify the inmate

CD 214 (12/04)

EXHIBIT

OREGON DEPARTMENT OF CORRECTIONS

INMATE COMMUNICATION FORM

TO: Nurse Quick Date: 4-28-20

State your issue in detail: You called me yesterday and advised me to purchase Clorox I tried but the canteen went to a Modified ordering because of quarantined A.I.C.'s so there is no Aleve, Meds, No Lorazepam, chest rub, or any Health No cough drops ect.
Even if they put some on the order form we now only get receive or purchases every two weeks so I'll not get any for a month or a month and a half.
Please help

Inmate Committed Name (first middle last)	SID#	Housing Unit
<u>Aaron Dale Eaton</u>	<u>14997682</u>	<u>2-7A</u>

Response/Action Taken: zytee ordered for 5 days.Date Received: REC'D APR 28 2020 Referred To*: QuickDate Answered: 4/28/2020 Signature of Staff Member: Jensen AN

If forwarded, please notify the inmate

CD 214 (12/04)

EXHIBIT

**OREGON DEPARTMENT OF CORRECTIONS
INMATE COMMUNICATION FORM**

TO: Medical Provider Date: 4.23.20

State your issue in detail: Back a few weeks ago I complained about
shortness of breath in my cell and during showers then
Mold was found and bleached out of the showers my
breathing seemed to come back but now it is hard to
breathe deeply like hurts to breath kinda the same as
before but worse there is mold again in the showers and
that is causing as far as I can tell, The inhaler Albuterol
is not working as well as it did, I'm using it more
often and the amount of each dose is going up. I keep
spitting up congestion and I've got the head ach again.

Inmate Committed Name (first middle last)	SID#	Housing Unit
<u>Aaron Dale Eaton</u>	<u>14997682</u>	<u>2</u>

Response/Action Taken: Taking too much albuterol can cause a headache. Please
do not take it more than it is prescribed. I will sign you up for sick call

REC'D APR 24 2020

Date Received: _____ Referred To*: _____

Date Answered: 04.24.20 Signature of Staff Member: S. Ah Yut K N

If forwarded, please notify the inmate

CD 214 (12/04)

EXHIBIT

What is Invasive Fungal Sinusitis?

There are two primary types of invasive fungal sinus infections, acute and chronic.

The acute version of fungal sinusitis is more serious and primarily occurs in people whose immune systems have been compromised. Fungi usually feed on dead organic matter, but weakened immune defenses can allow fungi to begin eating tissue that is still alive.

As the fungus reproduces, it spreads rapidly into the blood vessels, eye area, and central nervous system with devastating results. Acute invasive fungal sinusitis is a rare condition with a high mortality rate.

Fungal infection of the sinuses can occur when fungal organisms are inhaled and deposited in the nasal passageways and paranasal sinuses, causing inflammation. The dark, moist environment of the sinuses is ideal for fungi, which can reproduce without light or food.

Most fungal infections of the sinuses are noninvasive, meaning they won't spread to surrounding tissue.

Symptoms are similar to a sinus infection — congestion, facial pain and swelling, and discharge — but you may be severely ill with these symptoms.

At UPMC, the preferred surgical treatment for invasive fungal sinusitis is the Endoscopic Endonasal Approach (EEA). This innovative, minimally invasive technique uses the nose and nasal cavities as natural corridors to access hard-to-reach or previously inoperable tumors. Benefits of EEA include:

- No incisions to heal
- No disfigurement
- Faster recovery time

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**AARON DALE EATON,
PLAINTIFF**

CASE NO. 2:20-CV-01251-SI

V.

**ORCP 1 (e)
28 USC § 1746
DECLARATION**

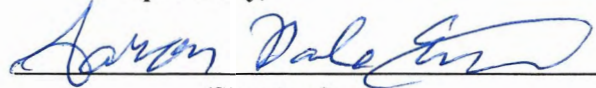
**Two Rivers Correctional Institution
Grievance coordinator Eynon;
Two Rivers Correctional Institution
Grievance coordinator Rossi;
Two Rivers Correctional Institution
Physical Plant Manager Stark;
Two Rivers Correctional Institution
Physical Plant Asst. Manager Darcy;
Two Rivers Correctional Institution
Superintendent T. Blewett;
The Oregon Dept. Of Corrections.
IN THEIR INDIVIDUAL AND OFFICIAL
CAPACITIES AS APPROPRIAT
DEFENDANTS**

I, Aaron Dale Eaton, duly sworn, do declare to be true and the best of my belief and knowledge under penalty of perjury; I am over the age of twenty-one (21) and have personal knowledge of the matters stated herein; I have resided here at Two Rivers Correctional Institution (T.R.C.I.) 82911 Beach Access Road Umatilla, OR. 97882 Phone Number (541) 922-6050 in the care and custody of O.D.O.C. Since: 2017.

Aaron Dale Eaton is the plaintiff in the above-entitled action and is prosecuting this case without the assistance of counsel. I have personally lived on other units and complained of molds and within a week the molds were decontaminated by physical plant, yet it took about a year to get the molds in the showers on unit two, to start to be decontaminated by replacing the tile in the showers.

DATED THIS 2nd DAY OF NOVEMBER 2020.

Respectfully,



(Signature)

**Print Name: Aaron Dale Eaton
S.I.D. No14997682
O.D.O.C. - T.R.C.I.
82911 Beach Access Rd.
Umatilla, OR. 97882**

CERTIFICATE OF SERVICE

CASE NAME: Eaton v. Eynen et al


CASE NUMBER: (if known) 2:20-cv-01251-SI

COMES NOW, Aaron Dale Eaton, and certifies the following:

That I am incarcerated by the Oregon Department of Corrections at Two Rivers Correctional Institution (TRCI).

That on the 2nd day of November, 2020, I personally gave Two Rivers Correctional Institution's e-filing service A TRUE COPY of the following:

Letter To The Court
Motion To Compell The production copy of 4th Sept. 4th
Declarations in support of Molds on other units being
decontaminated fast.


(Signature)

Print Name Aaron Dale Eaton

S.I.D. No.: 14997682

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2023, I directed the Supplemental Excerpts of Record to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Peenesh Shah

PEENESH SHAH

Assistant Attorney General

peenesh.h.shah@doj.state.or.us

Attorney for Defendants-Appellees

Eynon, Two Rivers Correctional Grievance
Coordinator, et al